

## **LICENSING SUB-COMMITTEE**

**Venue: Virtual Meeting via  
Microsoft Teams**

**Date: Tuesday 15 December 2020**

**Time: 9.30 a.m.**

## **A G E N D A**

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. 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 (Pages 2 - 63)

**Hearing Procedure**

- 1 The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the applicants to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
  - i. The Licensing Officer will introduce the report.
  - ii. Questions concerning the report can be asked both by Members and the applicant.
  - iii. The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
  - iv. Members may ask questions of those parties
  - v. With the leave of the Chair the applicant or his representative may cross examine the representatives of the Responsible Authorities and Interested Parties.
  - vi. The applicant / licensee (or his/her nominated representative) will then be asked to:-
    - a) detail the application;
    - b) provide clarification on the application and respond to the representations made.
  - vii. The applicant / licensee (or his/her nominated representative) may then be asked questions by members and with the leave of the Chair from the other parties present.
  - viii. The applicant will then be given the opportunity to sum up the application. The Licensing Officer will then detail the options.
  - ix. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

**Notes:**

- At any time in the Licensing Process Members of the Committee may request legal advice from the Solicitor to the Committee. This advice may be given in open session or in private.
- The Committee Hearing will be held in public unless and in accordance with the Regulations the Committee determine that the public should be excluded.

**Committee Name and Date of Committee Meeting**

Licensing Sub-Committee – 15<sup>th</sup> December 2020 (09:30 am)

**Report Title**

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) to Vary the Premises Licence in place at Maltby Service Station, Rotherham Road, Maltby, Rotherham, S66 8ND.

**Report Author(s)**

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

**Report Summary**

On the 27<sup>th</sup> October 2020, MPK Garages Ltd submitted an application to vary the Premises Licence at Maltby Service Station, Rotherham Road, Maltby, Rotherham, S66 8ND.

During the statutory consultation period, 14 representations were received from interested parties that wished to voice their concerns in relation to the application that had been made.

As representations have been made in relation to the application, the application must be considered by the Licensing Sub-Committee.

The process to be adopted at the hearing is outlined prior to the main body of the report.

## **Recommendations**

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Authority of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

## **List of Appendices Included**

- Appendix 1 Location details
- Appendix 2 Current Premises Licence (number P0905)
- Appendix 3 Application form dated 27<sup>th</sup> October 2020
- Appendix 4 Representations received from parties representing local residents
- Appendix 5 Representations received from local residents

## **Background Papers**

Rotherham MBC Statement of Licensing Policy 2020 -2025  
(available at [www.rotherham.gov.uk/licensing](http://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.34 of the Licensing Act 2003) to vary the Premises Licence in place at Maltby Service Station, Rotherham Road, Maltby, Rotherham, S66 8ND.**

**1. Background**

- 1.1 On the 27<sup>th</sup> October 2020, MPK Garages Ltd submitted an application to vary the Premises Licence at Maltby Service Station, Rotherham Road, Maltby, Rotherham, S66 8ND.
- 1.2 The location of the premises is shown at Appendix 1.
- 1.3 The premises currently has the benefit of a Premises Licence permitting the retail sale of alcohol, a copy of current Premises Licence can be found at Appendix 2. The application to vary the licence can be found at Appendix 3.
- 1.4 During the statutory 28-day consultation period, 14 representations were received from interested parties that wished to voice their concerns in relation to the application that had been made. A copy of these representations can be found at Appendices 4 and 5.

**2. Key Issues**

The application

- 2.1 The applicant is seeking to vary the licence as follows:

- **Amend the times during which licensable activity is permitted.**

The licence currently permits the retail sale of alcohol (for consumption off the premises only) from 0600hrs until 2300hrs Monday to Sunday.

The licence holder is seeking to amend these times so that the retail sale of alcohol is permitted from 0000hrs until 2359hrs Monday to Sunday.

- **Amend the opening times of the premises.**

The licence currently details the opening times of the premises to be 0600hrs until 2300hrs Monday to Sunday.

The licence holder is seeking to amend these times so that the retail sale of alcohol is permitted from 0000hrs until 2359hrs Monday to Sunday.

- **Addition of late night refreshment to the licence.**

The current licence does not permit the provision of late night refreshment (due to the premises closing between 2300hrs and 0600hrs). The licence holder is seeking to add late night refreshment to the licence so that this activity can take place between 2300hrs and 0500hrs the following morning.

- **Remove conditions from the licence and replace with others that are proposed by the licence holders.**

The applicant would like to remove the current conditions that are attached to the licence, and replace them with alternative conditions based on the operating schedule which forms part of the application (Appendix 3).

- **Amend the floorplan associated with the premises.**

The applicant is seeking to amend the layout of the premises as detailed in the plan that is attached to the application form (Appendix 3).

#### Representations received

2.2 14 representations have been received from interested parties, three of these were from parties representing local residents:

- Maltby Town Council.
- The Right Honourable Alexander Stafford MP.
- Councillor Christine Beaumont.

The parties cited concerns regarding noise / nuisance, anti-social behaviour, impact on vulnerable people, protection of children from harm.

2.3 The remaining representations were received from the following local residents:

- Mr K Hooper
- D and M Ironmonger
- Mrs G Steele
- Ms C Seed
- Mr and Mrs J Craig
- Ms J Hurst
- Ms P Maddison
- Ms D Todd

- R and M Laws
- Mr T Palfreyman
- Ms K Brumbill

The local residents cited concerns regarding noise, antisocial drinking, other nuisance, anti-social behaviour, impact on vulnerable people, crime and disorder.

- 2.4 Copies of these representations can be found at Appendix 4 (parties representing local residents) and Appendix 5 (local residents).
- 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 the interested party when determining the application.
- 2.7 The Council has not received any comments / representations from any of the responsible authorities that are identified in the Licensing Act 2003.

### **3. Options available to the Licensing Sub-Committee**

- 3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement. In relation to this application, the options available to the Committee are:
  - To vary the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate; or
  - To reject the whole or part of the application.

- 3.3 The statutory guidance makes it clear that Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 3.4 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. The licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).
- 3.6 The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence (if granted) – further information in relation to conditions is provided later in this report.
- 3.7 All licensing determinations should be considered on the individual merits of the application. The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 3.8 It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.



### Conditions

- 3.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 3.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### Proposed conditions

- 3.11 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 3.12 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

### Consistency with steps described in operating schedule

- 3.13 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 3.14 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the

licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

#### Imposed conditions

- 3.15 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.
- 3.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

#### Proportionality

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

#### **4. Consultation**

- 4.1 The application has been subject to the statutory consultation process involving a newspaper advertisement and display of public notices in the vicinity of the site for 28 days.
- 4.2 The public consultation period ran for 28 days and ended on the 24<sup>th</sup> November 2020.

- 4.3 Relevant ward members have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Any decision made by the Licensing Sub-Committee does not have effect until:
- the end of the period given for appealing against the decision; or
  - if the decision is appealed, until the appeal is disposed of.
- 5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

## **6. Financial Implications**

- 6.1 There are no specific financial implications arising from this application.
- 6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

## **7. Legal Advice and Implications**

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider

appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard, but has heard or read about.

- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 Departure from the guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

## **8. Risks and Mitigation**

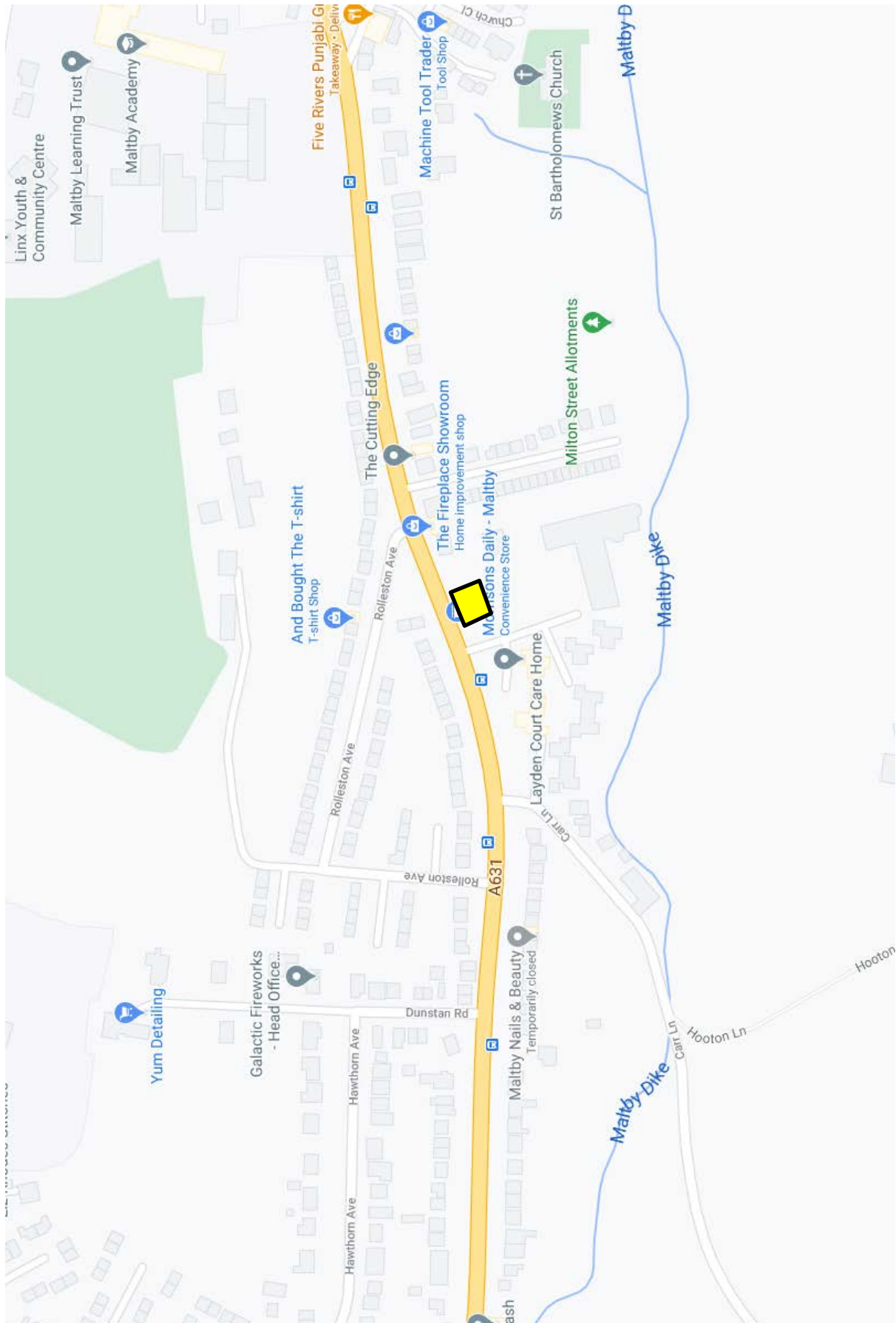
- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.
- 8.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance is available for members to review should they wish to do so.

**9. Accountable Officer(s)**

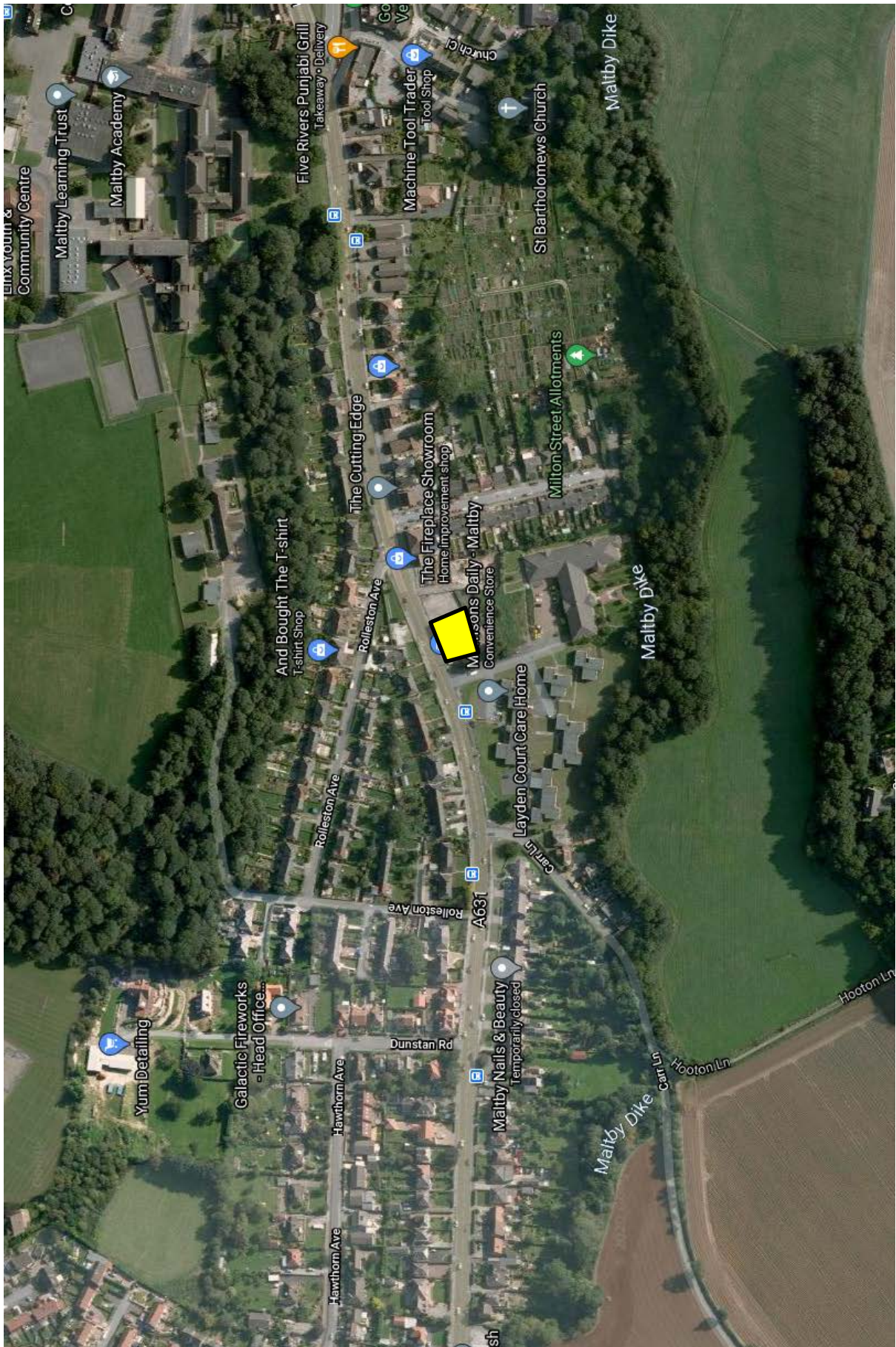
Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

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

# APPENDIX 1













# Licensing Act 2003 Premises Licence

P0905

## Part 1 - Premises Details

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

**Maltby Service Station**

Londis, Rotherham Road, Maltby, South Yorkshire, S66 8ND.

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	6:00am	11:00pm

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	6:00am	11:00pm

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

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

## Part 2

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

MPK Garages Limited

MPK House, 318 Melton Road, Leicester, Leicestershire, LE4 7SL.  
Telephone [REDACTED]

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

MPK Garages Limited

01440987

## NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Sarah Anne MCGOWAN

## PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA/VF/0994

Issued by Chesterfield

# Licensing Act 2003

## Premises Licence

**P0905**
**ANNEXES**
**Mandatory Conditions**
**All Premises Licence authorising supply of alcohol**

The licence is granted subject to the Mandatory conditions for sale of alcohol as set out in the Licensing Act 2003 as amended by the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and Order 2014.

1. No supply of alcohol may be made under the Premises Licence -
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
    - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

## Licensing Act 2003 Premises Licence

**P0905**

### ANNEXES continued ...

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
    - (a) a holographic mark or
    - (b) an ultraviolet feature.
6. The responsible person shall ensure that -
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the

# Licensing Act 2003

## Premises Licence

**P0905**
**ANNEXES continued ...**

premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 -

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) “permitted price” is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence -

(i) The holder of the premises licence

(ii) The designated premises supervisor (if any) in respect of such a licence, or

(iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of

# Licensing Act 2003

## Premises Licence

**P0905**
**ANNEXES continued ...**

alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - (b) in respect of premises in relation to:
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section:
  - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### **Annex 2                      Conditions consistent with operating schedule**

#### **Prevention of Crime and Disorder**

1. The licence holder shall ensure that the premise has comprehensive CCTV coverage which records and images are retained for a minimum 21 days. Downloads will be available to

## Licensing Act 2003 Premises Licence

P0905

### ANNEXES continued ...

2. Responsible Authorities upon request.  
The licence holder shall ensure that whenever the Designated Premises Supervisor is not at the premises another person shall be nominated by them to be the responsible person.

#### Public Safety

3. The licence holder shall be aware and comply with their responsibilities under the Regulatory Reform (Fire Safety) Order 2005.

#### Prevention of Public Nuisance

None.

#### Protection of Children from Harm

4. The licence holder shall operate the 'Challenge 21' proof of age scheme.  
5. The licence holder shall operate a refusals book which shall be available to the responsible authorities upon request.

#### Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

#### Annex 4 Plans

See attached.

# Licensing Act 2003

## Premises Licence Summary P0905

### Premises Details

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

### Maltby Service Station

Londis, Rotherham Road, Maltby, South Yorkshire, S66 8ND.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the sale by retail of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
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**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Sunday	6:00am	11:00pm

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

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

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

MPK Garages Limited

MPK House, 318 Melton Road, Leicester, Leicestershire, LE4 7SL.

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

MPK Garages Limited

01440987

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

Sarah Anne MCGOWAN

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

None

**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **MPK Garages Ltd**

*(Insert name(s) of applicant)*

**being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below**

<b>Premises licence number</b> P0905
---

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description Maltby Service Station Rotherham Road			
Post town	Maltby	Postcode	S66 8ND

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£18,500

**Part 2 – Applicant details**

Daytime contact telephone number			
E-mail address (optional)	gill@licensingmatters.net		
Current postal address if different from premises address	MPK House 318 Melton Road		
Post town	Leicester	Postcode	LE4 7SL

**Part 3 - Variation**



Please tick as appropriate

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

☒ Yes

☐  
No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) ☐ Yes ☒ No

**Please describe briefly the nature of the proposed variation**

1. A change of the hours of opening & alcohol sales to 24 hours.
2. To add late night refreshment Mon to Sun 2300 to 0500.
3. Change of floorplan.
4. To remove all current conditions at Annex 2 and replace with more appropriate conditions.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

<b>Provision of regulated entertainment (Please see guidance note 3)</b>	<b>Please tick all that apply</b>
a) plays (if ticking yes, fill in box A)	<input type="checkbox"/>
b) films (if ticking yes, fill in box B)	<input type="checkbox"/>
c) indoor sporting events (if ticking yes, fill in box C)	<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 type="checkbox"/>
f) recorded music (if ticking yes, fill in box F)	<input 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) ☒

**In all cases complete boxes K, L and M**

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
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 7)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur					
			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 (please read guidance note 7)		
Fri					
Sat					
Sun					



G

<b>Performances of dance</b> Standard days and timings (please read guidance note 8)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>			
Mon			<b><u>Please give further details here</u></b> (please read guidance note 5)			
Tue						
Wed			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 6)			
Thur						
Fri			<b><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></b> (please read guidance note 7)			
Sat						
Sun						

H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 5)	
Wed			<b><u>Please give further details here</u></b> (please read guidance note 5)	
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)	
Fri			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)	
Sat			<b><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></b> (please read guidance note 7)	
Sun			<b><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></b> (please read guidance note 7)	

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 5)		
Mon	2300	0500			
Tue	2300	0500			
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 6)		
Wed	2300	0500			
Thur	2300	0500			
			<b><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></b> (please read guidance note 7)		
Fri	2300	0500			
Sat	2300	0500			
Sun	2300	0500			

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon	0000	2359			
Tue	0000	2359			
Wed	0000	2359			
			<b>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</b> (please read guidance note 7)		
Thur	0000	2359			
Fri	0000	2359			
Sat	0000	2359			
Sun	0000	2359			

K

<p><b>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</b> (please read guidance note 10).</p> <p>NONE</p>
--

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 8)			<b><u>State any seasonal variations</u></b> (please read guidance note 6)
Day	Start	Finish	
Mon	0000	2359	
Tue	0000	2359	
Wed	0000	2359	<b><u>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</u></b> (please read guidance note 7)
Thur	0000	2359	
Fri	0000	2359	
Sat	0000	2359	
Sun	0000	2359	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

YES see below

Please tick as appropriate

- I have enclosed the premises licence ☒
- I have enclosed the relevant part of the premises licence ☐

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

iv) Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

Between the hours of 2300 and 0600 the store will be closed 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.

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. 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.

**b) The prevention of crime and disorder**

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.

**c) Public safety**

An incident register will be maintained at the premises and made available to the authorities on request.

All spirits will be located behind the counter

**d) The prevention of public nuisance**

A register of refusals of alcohol will be maintained at the premises. The register shall be examined on a regular basis by the duty manager/ DPS 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 authority



**e) The protection of children from harm**

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 prove that they are 18 years or older.

The only forms of identification that will be accepted at the premises are a passport, UK photo-card driving licences, military ID & cards bearing the 'PASS' hologram.

**Checklist:****Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or ☒
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I understand that I must now advertise my application. ☒
- I have enclosed the premises licence or relevant part of it or explanation. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒

**IT IS AN OFFENCE, 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.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	G. Sherratt
Date	27/10/20
Capacity	Authorised agent

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	



**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)**

Licensing Matters Ltd  
54 Fairfield Drive

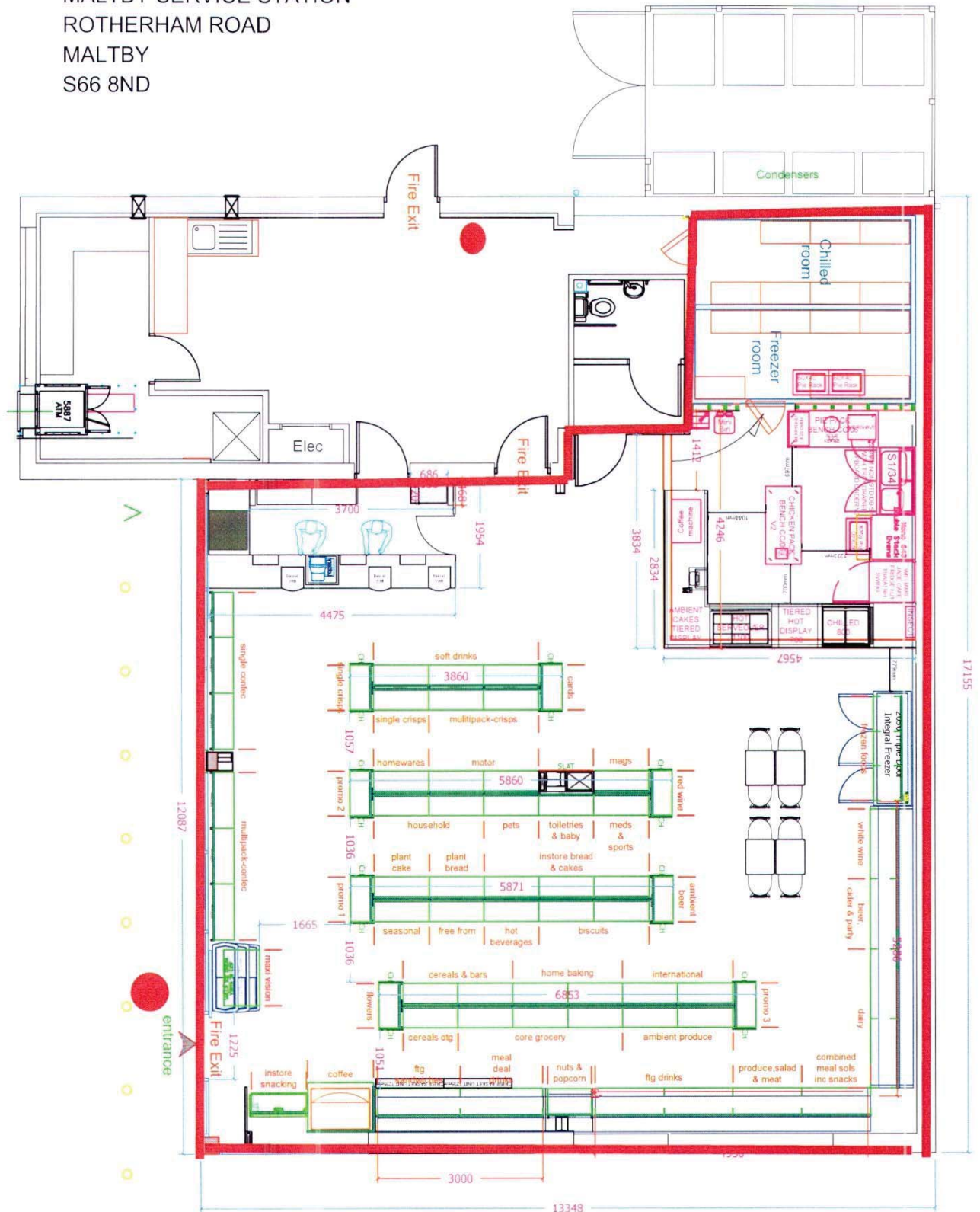
**Post town** Clitheroe

**Post code** BB7 2PE

**Telephone number (if any)**

**If you would prefer us to correspond with you by e-mail, your e-mail address (optional)**  
gill@licensingmatters.net

MALTBY SERVICE STATION  
ROTHERHAM ROAD  
MALTBY  
S66 8ND



= LICENSED AREA

= EXTINGUISHER

**MPK**

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## **APPENDIX 4**

# **REPRESENTATIONS RECEIVED FROM PARTIES REPRESENTING LOCAL RESIDENTS**

## Representation 1

[REDACTED] <clerk@maltbytowncouncil.co.uk>

**Sent:** 23 November 2020 13:26

**To:** lisa.parkin-underwood@rotherham.gov.uk

**Cc:** Councillor Biggin <councillorbiggin@maltbytowncouncil.co.uk>; Alan Pogorzelec

<Alan.Pogorzelec@rotherham.gov.uk>

**Subject:** Variation to Premises Licence P0905

Dear Lisa,

Maltby Town Council would like to object against the variation to the Premises Licence P0905 at Maltby Service Station (MPK Garages Ltd), Rotherham Road.

The variation is to:

1. Change the opening and alcohol sales to 24 hrs per day
2. To add late night refreshment Mon to Sun 2300 – 0500

The grounds for objection are:

1. Prevention of Crime & Disorder
2. Public Safety
3. Prevention of public nuisance and/or
4. Protection of children from harm

The Council objection is under the prevention of crime and disorder, public safety and the prevention of public nuisance.

The service station is sited on Rotherham Road which is part of the A631, the A631 is a major road in the Rotherham roads network and has a high number of HGV's and other vehicles that travel on it at all times, if late night refreshments are made available the HGV's and other vehicles may stop on route, this causing noise, pollution and disturbance by their engines, exhausts, closing of doors and flashing of headlights, as the service station is in a residential area this could cause major noise issues for the residents especially the backs of the houses on Milton Street, the residents at Pennington Court (which is a residential home for adults with disabilities) Layden Court Care Home (residential care for the elderly) and the residents in the flats at St Barbara's Close etc plus residents on Rotherham Road and Rolleston Avenue.

Adjacent to the service station is Layden Court Care home and blocks of residential flats, The flats house elderly, vulnerable and people who have problems with substance misuse. There are already problems with anti-social behaviour in this area with people visiting at all hours, to have the sale of alcohol available to purchase most probably will have a knock on effect to an already troubled area and to some of the elderly and vulnerable residents which may cause them harassment and crime.

There is already a 24hr service station that sells refreshments and alcohol on Bawtry Road, Hellaby which is 1.6 miles away and in a non residential area, 2.2 miles away from the service station in Maltby there is a 24hr McDonalds which is available for drive through, again this is in a non residential area. We are also aware that Morrison's at Bramley which is also 2.2 miles away has also applied for a variance to its license which we believe is for extended hours and the sale of alcohol.



The Council appreciates that the service station has identified what they will put in place to mitigate crime & disorder, public safety and the prevention of nuisance but the Council has major concerns for the staff that will be required to work during the night and don't believe the CCTV being kept for 31 days will deter some visitors to the service station from making a nuisance of themselves and will not help with the noise and pollution.

The Council would also like to highlight the service station has signs advertising it as Morrison Local but the application on the Premises License is Maltby Service Station, Londis, Rotherham Road, this caused confusion to residents in the first instance.

The Chair of the Council, Councillor S Biggin would like to be present at the licensing panel to make an objection on the Councils behalf please.

Kind regards  
Kate

Kate Butler  
Town Clerk



[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]



## Representation 2

HOUSE OF COMMONS  
LONDON SW1A 0AA

Ms Sharon Kemp  
Chief Executive Officer  
Rotherham Metropolitan Borough Council  
Riverside House  
Main Street  
Rotherham  
South Yorkshire  
S60 1AE

Our Ref: AS8822

16 November 2020

Dear Ms Kemp

**Re: Licencing application Morrisons Daily, Rotherham Road, Maltby, South Yorkshire, S66 8ND**

I am writing to comment on the variation of licencing application to allow the sale of alcohol around the clock at the Morrisons Daily store, Maltby, located in my constituency.

Local residents have contacted me regarding their concerns about this application, which they see as not only unnecessary, but also a serious risk to increasing public nuisance in the locality.

People living nearby are worried that anti-social behaviour in the area will increase when this garage, which will be the only store in the locality with a 24 hour licence, will attract the minority of people that cause trouble and nuisance.

The garage is located in an area with a large number of sheltered accommodation for the elderly, who are already increasingly concerned about anti-social behaviour, and do not want to see any licence granted that could make the situation worse.

I ask that this application be rejected.

Thank you for your consideration of my comments.

Yours sincerely

Alexander Stafford MP  
Member of Parliament for Rother Valley

39 Laughton Road, Dinnington, South Yorkshire, S25 2PN

[www.alexanderstafford.org.uk](http://www.alexanderstafford.org.uk)

01909 494952

[alexander.stafford.mp@parliament.uk](mailto:alexander.stafford.mp@parliament.uk)

Fb/AlexStafford4RotherValley

Twitter: Alex\_Stafford

## Representation 3

Planning Application from Londis re Maltby Service Station

I wish to object to this application which seeks to sell alcohol for 24 hours every day and serve late night refreshment from 23.00 hrs until 00.05 hours every day.

I am citing: the prevention of crime & disorder

public safety

the protection of children from harm

the prevention of public nuisance

The site is adjacent to a Care Home (Laydon Court) and also a sheltered housing complex (All Hallows). The extra footfall generated from increased trading hours may cause noise & distress to vulnerable residents living in these establishments. Customers arriving by car after 11pm, flashing their headlights may disturb the sleep of local residents. The surrounding residential area is predominantly inhabited by the older generation.

As a Ward Councillor I have been involved with several incidents of anti-social behaviour in & around the All Hallows complex. Vulnerable adults have been targeted by unscrupulous individuals who have used some of the residences to push drugs & alcohol causing distress & disruption to other residents. There is a history of addiction problems within the complex & SYP PCSOs & RMBC Housing Officers have been extensively involved in the recent past. We have installed CCTV in an attempt to identify the culprits. I have worked with the PCSOs, Housing Officers & Neighbourhood Officers to restore confidence within the complex as a whole. I do not want the sale of alcohol 24/7 to be the catalyst to re-start any sort of disruption for vulnerable residents.

The Service Station is located close to Maltby Academy. Children & Young People on their way to & from school might come across people suffering from the effects of too much alcohol. This could be disturbing for younger pupils & may lead to some older pupils obtaining alcohol from the Service Station.

Chris Beaumont

Maltby Ward Councillor.

## **APPENDIX 5**

# **REPRESENTATIONS RECEIVED FROM LOCAL RESIDENTS**



## Representation 4

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

**Sent:** 11 November 2020 12:58

**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

**Subject:** MORRISONS APPLICATIONFOR 24 HR LICENSING

To who it may concern,

I wish to register a strong objection to the 24 hour licensing application by Morrisons for the petrol station on Rotherham Road Maltby

For a number of reasons, in this area we have a number of antisocial behaviour issues including noise and suspected drug abuse and

usage. I live on Milton Street and have had a ongoing situation of people coming down the street to the bottom piece of land to drink and other activities both day and night and leaving their litter and rubbish ,also a number of break ins to residents and allotment holders sheds .

As this is a residential area we already have a terrible traffic noise and parking issue ,

Also there is also an old peoples home, and sheltered accommodation adjacent to the garage and this is likely to create problems for them.

In Maltby we already have numerous retail outlets selling alcohol so I do not think a 24hr outlet is necessary,

Yours Concerned, Mr K Hooper 14 Milton Street.

[REDACTED]

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## Representation 5

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

**Sent:** 11 November 2020 14:43

**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

**Subject:** Gulf garage 24 hour license Rotherham road Maltby

To Lisa Underwood-Parkin

I am writing with objection to the garage opening 24 hours as we have a lot of noise with people screeching out of the garage at night and day. We have a lot of people in the flats that are alcoholics and all so do drugs. We already get a lot of noise from 5am with all the lorries that come in all day. Can not have my windows open because of the fumes. Can not sit outside because of noise and smell of petrol. It already like Blackpool lights all night have had to complain about the lights as they were shining in to my home.

Denise and max Ironmonger

[REDACTED]

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## Representation 6

[REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Sent: 11 November 2020 15:40

To: Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

Subject: Application for extension to alcohol licence

For the attention of Ms Lisa Underwood-Parkin

May I register my objection on the above licensing application to be extended thus selling alcohol through the night at Maltby Service Station, Rotherham Road, Maltby.

The location deems it unsuitable. Layden Court care home, home to elderly residents who are settled mid evening, Pennington Court, housing vulnerable people, staff arriving and leaving may well feel intimidated and St Bartholomews Close, All Hallows Drive, St Phillip's Close with flats designated to the elderly are all in close proximity.

I am a resident of Milton Street and can clearly hear the tannoy and the beeping of reversing lorries. I am in no doubt that the addresses mentioned above will hear the same. Fine during the day, not as acceptable during the night.

Of greater concern is encouragement of crime and antisocial behaviour. My feeling is that it will be an open invitation to anyone inclined to hang around drinking at night to congregate here. Break-ins are an obvious follow on. Maltby already has a problem with unruly youths at the moment. Milton Street and the adjoining allotments already see drinking and alleged drug problems.

Whilst I appreciate that lorry drivers may need light refreshment during unsociable hours a 24 hour garage is situated approximately one and a half miles away and there are numerous service stations on the nearby motorway and they should have no need for alcohol.

I, therefore, fail to understand any reason why the above application should be granted. Should the application be passed I would respectfully request being informed of the reasoning behind such a decision.

Yours faithfully  
Mrs Gillian Steele  
11 Milton Street

[REDACTED]  
[REDACTED]  
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[REDACTED]

## Representation 7

Alix Watson

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[REDACTED] [REDACTED]  
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[REDACTED] [REDACTED]  
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[REDACTED]

From: Christine Seed [REDACTED]  
Sent: 12 November 2020 13:11  
To: Licensing <Licensing@rotherham.gov.uk>  
Subject: mpg garage ltd extended licence application

To Lisa underwood-Parkin,

I am asking for the application from M.P.k. Garages Ltd to extend their opening hours and alcohol licence to 24 hours to be refused. As a local resident to the garage I disagree with this due to the crime noise and anti social behaviour that will come with it. The garage is now open till 10pm which is sufficient time to buy alcohol. Next door to the garage is a care home whose residents are tucked up in bed by 10pm and do not need the rowdy behaviour and noise that will come from this including banging of car and lorry doors in the early hours. Approx 1.5 miles up the road the shell garage is 24 hr and the new Morrison's garage is due to be 24hr we do not need a third. We already have problems at the bottom of Milton street in the garages and the allotments with alcohol parties and fires lit this would be escalated into the early hours with the dangers that 24hour available alcohol will produce . The residents property will have empty cans and bottles thrown in their gardens as they are so close and also onto the pavements and at the moment we have very little litter in this area as we try to take a pride in our surroundings.

The nearby businesses are also worried in case of burglary and windows being smashed due to drunken people around in the early hours as surely the only people wanting to buy alcohol in the early hours are not going to be respectful of other property.

Why do the owners think this is a viable request surely with the cost of staff , lighting heating etc the amount of passing trade between 10pm and 6pm of normal respectful people would not warrant it ,therefore they are relying on the undesirable people in Maltby to come here to purchase alcohol and this is not acceptable I request you refuse permission for this licence \_\_\_\_\_

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Technology Type	Percentage of Respondents
Used a mobile app	85%
Used a website	90%
Used a social media platform	65%
Used a video chat platform	100%

[REDACTED]

[REDACTED]



# Representation 9

[REDACTED]

**Sent:** 13 November 2020 18:38  
**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>  
**Subject:** Fao. Lisa underwood-parkin

Dear Lisa.

I would like to object to Morrison's garage on rotherham road maltby application to extend licensing hours. The area already is having serious problems with antisocial behaviour which appears to be escalating at a rapid pace. They are wishing to sell alcohol in an area which is surrounded by elderly people and apart from the shell garage which is only a few minutes away is the only place open. This will possibly encourage antisocial behaviour in the future with underage kids trying their luck at buying alcohol. Maltby already has enough issues without giving more fuel to the fire. Therefore I object to their application. Shell is open, so is Morrison's until late and we have plenty of off licences therefore I do not believe this is required and would not be a valid service.

Kind regards

Julie Hurst

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# Representation 10

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Sent: 12 November 2020 19:24

To: Licensing <Licensing@rotherham.gov.uk>

Subject: 24 hour licensing at Rotherham Road Garage Maltby

For the attention of

Linda Underwood-Parkin

I wish it to be known that myself and my husband Keith Maddison oppose the application for a 24 hour license for the garage on Rotherham Road Maltby.

Next to the garage is a care home which could be disturbed by shoppers visiting the garage premises through the night.

Also there are vulnerable recovering alcoholics living in flats very close to the garage.

Also ourselves and other elderly people that are residents close to the garage do not want the disturbance of car doors banging etc etc.

Please listen to these objections.

There are several places people can buy alcohol during usual shopping hours.

Kind regards Pauline Maddison.

182 Rotherham Road

Maltby

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# Representation 11

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**Sent:** 18 November 2020 12:58

**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

**Subject:** Maltby Service Station application to extend licensing hours

For the attention of Lisa Underwood-Parkin,

I am writing to raise an objection to increase the licensing hours at the above premises to 24hrs to sell alcohol.

My objection is on the grounds it would be a very unsuitable place to grant this license as it is right next door to a care home for the elderly and also a care centre that supports young unfortunate's to rehabilitate back into normal life. Some I believe from being homeless and addicted to alcohol and drugs, so they do not need these sort of sales on their doorstep.

I live on Milton Street and like myself most of the residents are elderly and vulnerable. This would certainly not be advantages to them and would encourage undesirables to travel down to purchase alcohol at all times of the night.

During the summer month's we already have teenagers travelling up and down Milton Street carrying and discarding cans of beer etc, to congregate in the woods at the bottom of the street and I feel this would encourage them to extend this into late evening.

At the moment Maltby appears to have a problem with teenagers running riot on various streets, causing problems throughout the night and would only encourage them to buy alcohol from the only place in Maltby that is open!!

I look forward to hearing your comments.

Kind regards

Debra Todd

28 Milton Street, Maltby, Rotherham, S668NE

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## Representation 12

**Sent:** 17 November 2020 15:40

**To:** Lisa Underwood-Parkin <lisa.underwood-parkin@rotherham.gov.uk>

**Subject:** Re: Ref: 2298607 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Street trading

please find our objections to this application. Pubic safety/crimes disorder, increased traffic we already have with cars coming down milton street as it is a hidden cul de sac where litter and other unwanted items are left, we believe this would cause more of a nuisance. we are at the rear of the garage on milton street and hear garage noise all day it would not be beneficial to us to have during the night. We have an elderly person's home next to garage and a home for vulnerable people also, we do not think it is any benefit to their lives or ours. thank you ronnie and mary laws

**From:** [no-reply@rotherhamgov.uk](mailto:no-reply@rotherhamgov.uk) <[no-reply@rotherhamgov.uk](mailto:no-reply@rotherhamgov.uk)>

**Sent:** 11 November 2020 15:13

**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

**Subject:** Ref: 2298607 ASK ABOUT LICENSING, ENQUIRE ABOUT A LICENCE OR RAISE A CONCERN - Street trading

**Page: About you**

- Title: mr
- First name: ronnie
- Surname: laws
- Address: 9 Milton Street, Maltby, Rotherham, S66 8NE
- Telephone number [REDACTED]
- Email address [REDACTED]

**Page: About your enquiry**

- What is your enquiry about? Street trading

## Representation 13

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[REDACTED]

Sent: 12 November 2020 14:56

To: Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

Subject: MPK Garages

Terence Palfreyman: 23 Milton street, Maltby: S66 8NE

[REDACTED]

[REDACTED]

[licensing@rotherham.gov.co.uk](mailto:licensing@rotherham.gov.co.uk)

Lisa Underwood parkin

With reference to the recent application by MPK Garages Ltd to extend their hours of opening at their Maltby service station on Rotherham Road. I would like to lodge my objection to this project.

This is a residential area and such a scheme will create more noise and mayhem especially for the elderly, and those in the care home. There is no need for such a facility when one already exists just over half a mile further along the road offering 24 hour service of food and fuel.

Yours

*TA Palfreyman*

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# Representation 14

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[REDACTED]  
**Sent:** 23 November 2020 11:41

**To:** Licensing <[Licensing@rotherham.gov.uk](mailto:Licensing@rotherham.gov.uk)>

**Cc:** 'alexander.stafford.mp@parliament.uk' <[alexander.stafford.mp@parliament.uk](mailto:alexander.stafford.mp@parliament.uk)>

**Subject:** Morrisons application 24 hour licensing

**Importance:** High

To whom it may concern,

I wish to register strong objections to the 24 hour licensing application for the petrol station situated on Rotherham Road, Maltby.

There are already issues in this area concerning antisocial behaviour including noise, littering and drug abuse. I currently live on Milton Street and have noticed on numerous occasions, people who do not live on the street walking down the street where the garages are situated, where they hang about drinking and leaving their litter. There has also been a number of break ins to residents' properties and also allotment holders sheds. There is already a lot of noise generated from the traffic on the main road and also a lot of vehicles parking on Milton Street to use the shops and the garage. Add in to this the care home and sheltered accommodation which are both very close to the garage, I do not think that enabling the garage to open 24 hours a day is a suitable option for this area.

Kind Regards,

Kelly Brumbill

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]



New Premises Licence Hearing  
15<sup>th</sup> December 2020

Maltby Service Station  
Rotherham Road  
Maltby  
S66 8ND

**Supporting documentation**

## **MPK - THE COMPANY**

Established in 1979 MPK is a leading independent operator of UK petrol stations and forecourts. They have 30 sites, all of which are licensed to sell alcohol and 10 that sell alcohol 24 hours a day. There have been no problems with the sale of alcohol at any MPK sites and they are respected and known as a responsible operator that provides valuable services to the local communities they serve.

There has been a forecourt at the location in Maltby for many years and it was purchased by MPK over 5 years ago. In 2020 MPK invested over £600,000 into developing and modernising the site as part of their transformation programme. That programme involves a partnership with Morrison's Supermarkets to create a modern convenience store which provides a whole range of services for the local community & passing trade. As part of the transformation programme MPK look at the local area carefully to assess the availability of convenience store services to local people and where appropriate they fill that gap. In the case of Maltby a 24-hour convenience service was considered to be highly beneficial to the people it serves.

The store sells all products that people expect to be able to buy in one shop such as fresh & frozen food, toiletries, pet supplies newspapers and household goods. Alcohol forms less than 20% of the sales within the store and is not the focus of the business.

In addition to being part of the overall transformation programme, there are other very significant reasons for making Maltby Service Station a 24-hour business. The major reason is the crime that has taken place overnight at the site. This site has been subject to approximately 5 or 6 robberies over the last 3 years and approximately £50,000 of goods & equipment (including CCTV & tobacco) stolen. In addition to the robberies, there have been several alarm call outs causing the police to have to attend the premises. By having the business trading 24 hours it will immediately prevent this from happening and ensure that the local people are protected from this type of activity. As part of the investment into the site security has been a primary focus and significantly improved. In addition to the improvements already made, from 22:00 customers will not be permitted access to the shop and service will be via the night pay window only. By trading 24 hours in this way not only will the security of this site be vastly improved, but it will also act as a deterrent for crime in general in the area and help to protect the local community.

In addition to the above reasons for the application the difficulties that the COVID pandemic has presented for all people is also a feature of this application. At present if local people need to buy a product they have to travel by car to the nearest shop or store to obtain it. That is something that the government are trying to prevent, and only essential travel should be undertaken. By opening this store overnight, it will assist this community to have access to whatever they need close by and remain within the tier system guidelines, protecting the vulnerable and preventing further risk of the virus spreading.

This is business that employs local people, contributes to the local economy, and provides a valuable service to all that live close to it. There are approximately 15 local people employed at the site at present and the granting of this application will result on another 2 full time or 4 part time jobs for local people. Given the present state of the economy, supporting business to remain viable is a key focus of the government, particularly when they have the ability to create employment for local communities.

### Alcohol Sales Policies and Procedures

MPK have all the expected measures, policies, and procedures to ensure compliance with the law and the upholding of the licensing objectives at all times. These policies include the 'Challenge 25' scheme as their age verification policy, the use of till prompts, refusals, and incident register to name a few.

Staff are comprehensively trained in their responsibilities by way of the Morrison's internal training system which involves staff being continuously training with refresher test taking place every 3 months.

All sites are audited monthly by area managers to include checks on licensing policy compliance. MPK employ the service of Licensing Matters who are always on hand for any support and guidance they may need. As a result of their diligence in upholding the licensing objectives over many years, MPK have never had any problems across any of their UK sites, a track record that can be drawn on when considering this new application.