

## LICENSING SUB-COMMITTEE

**Venue:** Rotherham Town Hall,  
Moorgate Street,  
Rotherham. S60 2 TH

**Date:** Thursday 1 July 2021

**Time:** 2.00 p.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.17 of the Licensing Act 2003) for the Grant of a Premises Licence for the premises described as The Vintage Booth, 14 Grange Lane, Maltby, Rotherham, S66 7DA (Pages 3 - 42)

# KEEP SAFE WHILE VISITING RIVERSIDE HOUSE AND THE TOWN HALL



## HOUSE KEEPING TIPS

- Meeting rooms and the Council Chamber will be sanitised before and after every meeting.
- Follow the one-way systems in place.
- Only one person (and their carer) should use a lift at a time.
- Get tested regularly, either at home or by booking a test at Riverside Lateral Flow Test Site.
- If you have any symptoms of COVID-19, stay at home and order a test.

Further information about COVID-19 can be found at [www.rotherham.gov.uk/coronavirus](http://www.rotherham.gov.uk/coronavirus)

[www.rotherham.gov.uk/coronavirus](http://www.rotherham.gov.uk/coronavirus)

**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 the applicant / licensee (or his/her nominated representative) who will then be asked to detail the application.
  - iv. The Licensing Officer will introduce in turn representatives for the Responsible Authority and Interested Parties who will be asked to detail their relevant representations.
  - v. Members may ask questions of those parties
  - vi. With the leave of the Chair the applicant or his representative may ask questions of the representatives of the Responsible Authorities and Interested Parties.
  - 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 / licensee (or his/her nominated representative) will then be given the opportunity to sum up the application and provide any clarification. 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 – 1<sup>st</sup> July 2021 (2pm)

**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 Vintage Booth, 14 Grange Lane, Maltby, Rotherham, S66 7DA.

**Report Author(s)**

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene  
01709 255955

**Report Summary**

On the 7<sup>th</sup> May 2021, an application was made for a premises licence in relation to The Vintage Booth, 14 Grange Lane, Maltby, Rotherham. The premises are currently operating as a tearoom.

The applicant is seeking a licence to permit the retail sale of alcohol for consumption on and off the premises and the provision of regulated entertainment (recorded music)

Following the submission of the application paperwork, a representation was received from a local resident. The receipt of this representation means that the application must be considered by the Licensing Sub-Committee.

In addition, the Licensing Service have agreed an amendment to the application and attachment of conditions that should be added to Annex 3 of the licence following the hearing today.

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 7<sup>th</sup> May 2021  
Appendix 3 Representation received from local resident

## **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.17 of the Licensing Act 2003) for the Grant of a Premises Licence for the premises described as The Vintage Booth, 14 Grange Lane, Maltby, Rotherham, S66 7DA.**

**1. Background**

- 1.1 The application has been made Mrs Claire Mallory for a Premises Licence at The Vintage Booth, 14 Grange Lane, Maltby, Rotherham, S66 7DA. The applicant is seeking a licence to permit the retail sale of alcohol for consumption on and off the premises and the provision of regulated entertainment (recorded music). The location of the premises is shown at Appendix 1. A copy of application can be found at Appendix 2.
- 1.2 The premises does not currently have the benefit of a Premises Licence and is currently operating as a tearoom serving “traditional and vintage inspired food and hot drinks”.
- 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 During this period the Licensing Service engaged with the applicant and agreed an amendment to the application along with a number of conditions that should be added to the licence if granted. Further detail on this is provided later in this report.
- 1.5 By the end of the prescribed period, one representation had been received – this was from a local resident, further detail is provided in section 2 of this report.

**2. Key Issues**

The application

- 2.1 The applicant is seeking authority for the following licensable activities to take place at the premises:
  - Retail sale of alcohol (for consumption on and off the premises) between the hours of 0900hrs and 2300hrs Monday to Sunday
  - The provision of regulated entertainment (recorded music) between the hours of 0900hrs and 2300hrs Monday to Sunday

The applicant has stated “we play vintage background music, usually on vinyl or CDs – we pay a yearly music licence for this”.
- 2.2 The applicant has stated that the opening times of the premises are 0900hrs to 2300hrs Monday to Sunday

Amendments and conditions agreed with RMBC Licensing Service

2.3 During the 28-day consultation period, the Council's Licensing Service agreed the following in relation to the application:

- The application has been amended so that the sale of alcohol will only take place between 0900hrs and **2100hrs** Monday to Sunday (emphasis added to show amendment).

The opening hours will remain as applied for.

2.4 The following conditions were agreed with the applicant and should be added to the licence if it is granted.

1. The premises shall operate solely as a restaurant / tearoom save for pre organised themed events or clubs agreed in advance with the Licensing Authority and South Yorkshire Police.
2. The premises will not operate exclusively as a bar save for pre organised themed events or clubs agreed in advance with the Licensing Authority and South Yorkshire Police.
3. Alcohol will only be sold to those whose principal purpose is to attend the premises for a meal or pre organised event.
4. Whenever there are anticipated changes to the normal operating framework of the premises, where it is reasonable to assume there will be an increase in customers or likelihood of disorder, a risk assessment shall be carried out by the premises licence holder to determine whether door supervisors shall be required. The risk assessment shall be documented in a register, kept at the premises and available for inspection by the Police or Council licensing enforcement officer upon request. The risk assessment shall comply with any advice given by South Yorkshire Police or Council licensing officers in respect of door supervisors.

Representations received

2.5 One representation has been received, this is from a local resident that cites concerns regarding noise and anti-social behaviour.

2.6 Full details of this representation can be found in Appendix 3.

2.7 The amendment to the application and agreed conditions referred to above have been presented to the resident. The resident has confirmed that their

representation remains and has asked for the matter to be considered by the Licensing Committee.

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

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

### Important considerations in relation to Regulated Entertainment

2.10 As the applicant has indicated an intention for there to be live and / or recorded music at the premises, it is important that the following information is brought to the attention of the Licensing Committee.

2.11 There are a number of exemptions that mean that a licence (or other authorisation) under the 2003 Act is not required. The following activities are examples of entertainment which are not licensable:

- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity (see below).
- A spontaneous performance of music, singing or dancing.
- Stand-up comedy.

2.12 Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities, or could it be described as ‘background’ music?

2.13 In addition to the above, as a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities:

- 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.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that does not have a licence, provided that the audience does not exceed 500 (a workplace could include an external area to a licensed premises – for example a beer garden or other outdoor space provided for patrons to consume alcohol).
- 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.

2.14 The deregulatory changes mean that, for example, a performance of live music taking place between 07.00 and 23.30 on a particular day is licensable in respect of activities taking place between 07.00-08.00 and 23.00-23.30. Similarly, where the audience for a performance of recorded music, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

2.15 Anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning). Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

2.16 If the Licensing Committee grant the licence, and the licence includes permission for the retail sale of alcohol, then any live or recorded music taking place at the premises (subject to the above requirements) will not be licensable between the hours of 0800hrs and 2300hrs. In addition, any conditions that are applied to live or recorded music will not be effective during these hours (subject to certain conditions being met). Further detail in relation to conditions is contained within section 3 of this report.

### **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 (which may include the omission of certain licensable activities from the licence and / or the refusal to specify a particular individual as the Designated Premises Supervisor).

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.

## Conditions relating specifically to live and recorded music

- 3.17 Any existing licence conditions (or conditions added on a determination of an application for a premises licence) which relate to live music or recorded music remain in place, but are **suspended** between the hours of 08.00 and 23.00 on the same day where the following conditions are met:
- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
  - if the music is amplified, it takes place before an audience of no more than 500 people; and
  - the music takes place between 08.00 and 23.00 on the same day.

- 3.18 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.
- 3.19 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.
- 3.20 Licence conditions imposed for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and / or the activities are taking place between 23.00 and 08.00.
- 3.21 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.
- 3.22 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

### Proportionality

- 3.23 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 All representations received within this period 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 3<sup>rd</sup> 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**

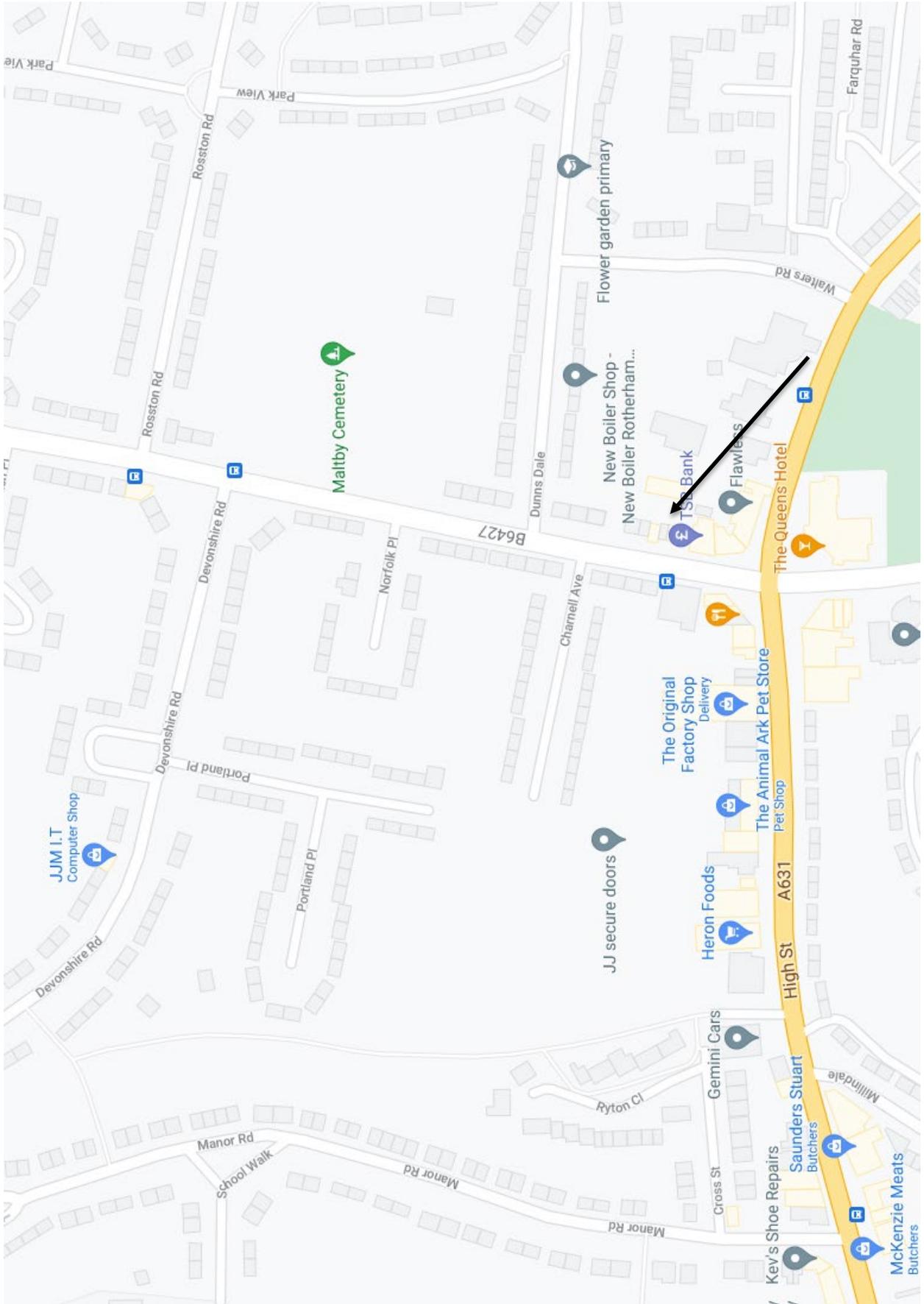
- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.

- 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

# APPENDIX 1





# APPENDIX 1



Received 07/05/2021

# APPENDIX 2

## 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 your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

If submitting the application by post, you must also send additional copies on the same day to all of the responsible authorities.

Payments can be made online or via telephone on 01709 247400

<b>I/We</b>	Mrs Claire Mallory t/a The Vintage Booth Tea Room
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*(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

#### Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description 14 Grange Lane Maltby			
Post town	Rotherham	Postcode	S66 7DA
Telephone number (including area code)	01709 818020		
Net (or gross) value of premises	£3,200.00		

### Part 2 - Applicant details

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

**Please tick as**

- |     |  |                             |
|-----|--|-----------------------------|
| a)  | an individual or individuals *                     | please complete section (A) |
| b)  | a person other than an individual *                |                             |
| i   | as a limited company/limited liability partnership | please complete section (B) |
| ii  | as a partnership (other than limited liability)    | please complete section (B) |
| iii | as an unincorporated association or                | please complete section (B) |



## APPENDIX 2

### SECOND INDIVIDUAL APPLICANT (if applicable)

Mr	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname			First names		
Date of birth over		I am 18 years old or		Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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)

# APPENDIX 2

## Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
03	06	2021

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

DD	MM	YYYY

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

We are a small vintage tea room based just off the main high street in Maltby. We offer traditional and vintage inspired food and hot drinks. Our customer base mainly ranges from middle age to elderly customers. Our premises are small which creates a cosy welcoming atmosphere. The inside of our premises is decorated in the vintage 40s/50s era. We play vintage background music which is mostly from the 1940s which gives a relaxing mood to the premises. We do not serve fried food, we have a very select menu which is where we think our appeal for the quiet and quaint experience is given. We are a very respectable and professional establishment which gives us our return customers.

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

n/a

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

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

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

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

A

# APPENDIX 2

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

# APPENDIX 2

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	
Tue	0				
Wed			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

C

# APPENDIX 2

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

D

# APPENDIX 2

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	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Wed			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

E

## APPENDIX 2

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

F

# APPENDIX 2

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		
Day	Start	Finish		Outdoors		
Mon	09.00	2300		<u>Please give further details here</u> (please read guidance note 4) we play vintage background music usually on vinyl or cds – we pay a yearly music licence for this		
Tue	0900	2300				
Wed	09.00	2300	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)  There maybe occasions for us to open on Bank Holidays			
Thur	0900	23.00				
Fri	09.00	2300	<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)			
Sat	0900	23.00				
Sun	0900	2300				

Indoors	
Outdoors	
Both	✓

G

# APPENDIX 2

Performances of dance Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

H

# APPENDIX 2

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	
Mon				Outdoors	
				Both	
Tue			<b>Please give further details here</b> (please read guidance note 4)		
Wed					
Thur			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri					
Sat			<b>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</b> (please read guidance note 6)		
Sun					

# APPENDIX 2

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	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Thur					
Fri			<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 6)		
Sat					
Sun					

# APPENDIX 2

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <b>consumption – please tick</b> (please read guidance note 8)	On the premises	
Day	Start	Finish		Off the premises	
Mon	09.00	23.00	<p><b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)</p> <p>There maybe occasions for us to open on Bank Holidays</p> <p><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 6)</p>	Both	✓
Tue	09.00	23.00			
Wed	09.00	23.00			
Thur	09.00	23.00			
Fri	09.00	23.00			
Sat	09.00	23.00			
Sun	09.00	23.00			

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	Claire Mallory
Date of birth	22/06/1980
Address	 South Yorkshire
Postcode	
Personal licence number	PLH3524205 603/2597/5
Issuing licensing authority (if known)	



## APPENDIX 2

### 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)

Alcohol will be an option to be served if a customer would like an alcoholic drink when they visit. We will follow all the necessary guidelines as stated by law.

b) The prevention of crime and disorder

We are a very respectable establishment. If one of our customers became unruly we would ask them to leave the premises, failing this we would contact the police. All staff will be trained in preventing under age sales of alcohol, those under the influence of alcohol and drugs and also how to maintain a refusal book which would be made available to the police or licensing authority upon request. A record of all staff training will be stored on the premises. No more than 30 customers will be permitted in the outside area at any one time. We have recorded CCTV on our premises (which is locked away from the view of the public. Police would be able to access this upon request)

c) Public safety

Alcohol will only be served to customers that are seated on our premises as we operate a waitress service only. If customers would like to consume alcohol in our outdoor area at the front of our premises this would be served in a polycarbonate or shatterproof glass or tin teapot. All assaults resulting in physical injury to a customer or member of staff on these premises will be reported immediately to the police contact centre (999 or 101) No more than 30 customers will be permitted in the outside area (back) at any one time. Our premises are fitted with CCTV cameras.

d) The prevention of public nuisance

We are respectable establishment and have a great respect for our neighbours and surrounding areas and will not tolerate any public nuisance. All our customers will be reminded to be respectful to others when leaving the premises. We will display signs asking for customers to respect our neighbours when leaving the premises. All our outside seating will be rendered unusable by 2100hrs each day.

e) The protection of children from harm

Alcohol will not be sold to anyone under the age of 18. We will do periodic ID checks on customers if we think that they are underage. All staff will be fully trained in preventing under age sales of alcohol and how to maintain a refusal book that will be available to police and licensing authority upon request.

Checklist:

Please tick to indicate agreement

## APPENDIX 2

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

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

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

**You need to tick all of these boxes to make your application – Check the timings in the operating schedule as I have entered some timings – you need to check that I have entered them correctly**

# APPENDIX 2

**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.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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).</li> <li>The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
Signature	
Date	
Capacity	

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)			

# APPENDIX 2

## Consent of individual to being specified as premises supervisor

I   
*(full name of prospective premises supervisor)*

of   
*(home address of prospective premises supervisor)*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

*(type of application, i.e. grant, variation, variation of DPS)*

by   
*(name of applicant)*

relating to a premises licence   
*(number of existing licence, if any)*

for   
*(name and address of premises to which the application relates)*

and any premises licence to be granted or varied in respect of this application made by

*(name of applicant)*

concerning the supply of alcohol at

*(name and address of premises to which application relates)*

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

Personal licence issuing authority   
*insert name and address and telephone number of personal licence issuing authority, if any*

Signed

Name (please print)

Date

# APPENDIX 3

Tel [REDACTED]

Mr and Mrs P [REDACTED] S [REDACTED]

[REDACTED]  
Maltby  
Rotherham  
[REDACTED]

The Licencing Manager,  
RMBC  
Riverside House  
Rotherham  
S60 1AE  
17/05/2021

Dear Sir or Madam

Re Licencing Act 2003- Application of Mrs C Mallory, The Vintage Booth Maltby. S66 7DA

I object to the application of an alcohol license and the proposed hours of opening on the grounds listed below

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance

The Vintage Booth is between 3 residential properties. No 16 is a house on the left and 12A and 12B are ground floor and first floor flats, which are both attached to the right

I am the owner of the flats 12A and 12B Grange Lane and both are let to tenants.

The granting of an alcohol license and the proposed hours of opening will be totally unsuitable for a property with such close residential neighbour's and will have a detrimental effect on the peace and quiet enjoyment that should be expected.

Simply having activity at such close proximity will have a detrimental effect on my tenant's home life.

There would be no escaping the footfall and noise of customers as The door to 12A, the upstairs flat is on the front next to the entrance to The Vintage Booth and 12 B, the ground floor flat has its bedroom/ living room window to the front, within a few feet of the entrance to the vintage booth.

Regarding Public safety and Public nuisance, I have recently worked with the local council and S Y Police to improve anti-social behaviour in the immediate area so I am aware that this specific area has been a problem in the past and was also subject to Police targeted patrols.

Yours Sincerely

P [REDACTED] and L [REDACTED] S [REDACTED]

# APPENDIX 3



# APPENDIX 3



# APPENDIX 3

