

LICENSING SUB-COMMITTEE

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

Date: Monday 6 September 2021

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. Licensing Act 2003 - Licence - Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of a Premises Licence for Deer Park Farm Retail Village, Unit 2, Doncaster Road, Thrybergh, Rotherham, S65 4BH (Pages 3 - 67)

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

www.rotherham.gov.uk/coronavirus

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 6th September 2021 (09:30 am)

Report Title

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of a Premises Licence for Deer Park Farm Retail Village, Unit 2, Doncaster Road, Thrybergh, Rotherham, S65 4BH.

Report Author(s)

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

Report Summary

On the 12th July 2021, an application was made for the variation of a premises licence in relation to Deer Park Farm Retail Village, Doncaster Road, Thrybergh, Rotherham, S65 4BH.

The applicant is seeking a variation of the licence to amend the area within which licensable activity can take place, and to include the retail sale of alcohol (for consumption on and off the premises) in a new development (referred to in the application as a “micro pub”).

Following the submission of the application paperwork, five representations were received from six local residents. In addition, comments were received from Rotherham MBC Environmental Health and conditions were agreed with the Council’s Licensing Service (acting in its role as a Responsible Authority).

Further details in relation to all of these matters can be found within the body of this 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 Current Premises Licence (P1030) (including plan)
- Appendix 3 Application form accepted on 12th July 2021 (including amended plan)
- Appendix 4 Conditions agreed with Rotherham MBC Licensing Service
- Appendix 5 Comments received from Rotherham MBC Environmental Health
- Appendix 6 Representations received from local residents

Background Papers

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

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

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of a Premises Licence at Deer Park Farm Retail Village, Doncaster Road, Thrybergh, Rotherham, S65 4BH.

1. Background

1.1 An application has been made by Deer Park Farm Retail Village Limited to vary the premises licence in place at Deer Park Farm Retail Village, Doncaster Road, Thrybergh, Rotherham, S65 4BH. The location of the premises is shown at Appendix 1.

1.2 The premises currently has the benefit of a Premises Licence (number P1030), a copy of which is attached as Appendix 2. In summary, the licence permits:

The retail sale of alcohol (for consumption on and off the premises) between the following hours:

Monday to Saturday	1000hrs to 2100hrs
Sunday	1100hrs to 2100hrs

These hours match the stated opening times of the premises.

1.3 The application is to vary the hours during which alcohol can be sold, and to amend the area covered by the licence. The full application form is attached to this report as Appendix 3.

1.4 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.

1.5 At the end of the prescribed period, five representations had been received from nine local residents:

- K and K D - residents of Arran Hill, Thrybergh
- Mr and Mrs J - residents of Arran Hill, Thrybergh
- Mr and Mrs H - residents of Arran Hill, Thrybergh
- M H - a resident of Arran Hill, Thrybergh
- Mr and Mrs W - residents of Church View, Thrybergh

1.6 In addition to the above, comments were received from Rotherham MBC Environmental Health and a number of additional conditions were proposed by the Council's Licensing Service – these proposed conditions were agreed by the applicant and will be added to the licence should the variation be approved.

2. Key Issues

The application

- 2.1 The applicants are seeking a variation to the licence as follows (**emphasis added to show key elements of the variation**):

The retail sale of alcohol (for consumption on and off the premises) between the following hours:

Monday to Saturday	1000hrs to 2100hrs
Sunday	1100hrs to 2100hrs

(the applicant has stated that the sale of alcohol in the retail shop / deli will cease at 1700hrs except during November and December when the sale will continue to the terminal hour given above)

The inclusion of other parts of the premises within the licensable area, including a recently developed unit referred to as a “micro pub”. This development represents a significant change to the activities carried on at the premises. The applicant has noted that alcohol will be consumed in external areas of the premises and has marked these on the plan that accompanies the application.

Conditions agreed with Rotherham MBC Licensing Service

The applicant has engaged with the Council's Licensing Service and has agreed a number of conditions that are considered appropriate for the promotion of the Licensing Objectives. Further detail is provided at Appendix 4 to this report.

The conditions detailed in Appendix 4 will be added to the licence should the Sub-Committee decide to grant the application under consideration.

Comments received from Rotherham MBC Environmental Health

The Council's Environmental Health Service have reviewed the application and have chosen not to submit a representation but have recommended a number of actions that should be taken by the applicant to reduce the likelihood of noise emanating from the premises and affecting local residents. Full details of the comments made can be found at Appendix 5 to this report.

The comments made by Environmental Health should be considered by the Sub-Committee, however it is important to note that the recommendations detailed in Appendix 5 will not result in conditions being added to the licence unless the Sub-Committee consider it appropriate to add them at the hearing (with or without the applicant's consent).

Representations received

- 2.2 Five representations have been received from local residents, these are summarised below:
- 2.3 The representation from K and K D (residents of Arran Hill) cite the following concerns:
- Noise nuisance.
 - Potential for crime and disorder.
- 2.4 The representation from Mr and Mrs J (residents of Arran Hill) cite the following concern:
- Noise nuisance.
- 2.5 The representation from Mr and Mrs H (residents of Arran Hill) cite the following concerns:
- Noise, odour and light nuisance.
 - Lack of confidence in management at the premises (due to previous failures to adhere to licensing requirements).
 - Access to the premises by children.
 - Potential for crime and disorder.
- 2.6 The representation from M H (resident of Arran Hill) cite the following concern:
- Noise and light nuisance.
- 2.7 The representation from Mr and Mrs W (residents of Church View) cite the following concerns:
- Noise, odour and light nuisance.
 - Potential for crime and disorder.
 - Lack of confidence in management at the premises (due to previous failures to adhere to licensing requirements).
 - Access to the premises by children.
- 2.8 Full details of the above representations can be found at Appendix 6. Please note that elements of the representations have been redacted as they do not relate to the Licensing Objectives and / or the licensable activity that is the subject of the application that is being considered.

- 2.9 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.
- 2.10 Members of the Sub-Committee should give full consideration of the issues raised by an interested party when determining the application.
- 2.11 No representations have been received from Responsible Authorities in relation to this application.

Important considerations in relation to Regulated Entertainment

- 2.12 The applicant has not indicated an intention for there to be live and / or recorded music at the premises, it is however important that the following information is brought to the attention of the Licensing Committee.
- 2.13 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.
- 2.14 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?
- 2.15 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.

2.16 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.

2.17 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.

2.18 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 variation of 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 for variation (which may include the omission of certain licensable activities from the licence).
- 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 – 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.
- 3.23

Proportionality

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

could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

4. Consultation

- 4.1 The application has been subject to the statutory consultation process involving a newspaper advertisement and display of public notices in the vicinity of the site for 28 days.
- 4.2 The public consultation period ran until 9th August 2021, all representations received by this date have been included in this report.
- 4.3 All Responsible Authorities, relevant ward members, and the Town / Parish Council have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

5. Timetable and Accountability for Implementing this Decision

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

6. Financial Implications

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

7. Legal Advice and Implications

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4 The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.
- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3rd June 2020).
- 7.8 Departure from the guidance and / or Statement of Licensing Policy could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

8. Risks and Mitigation

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

9. Accountable Officer(s)

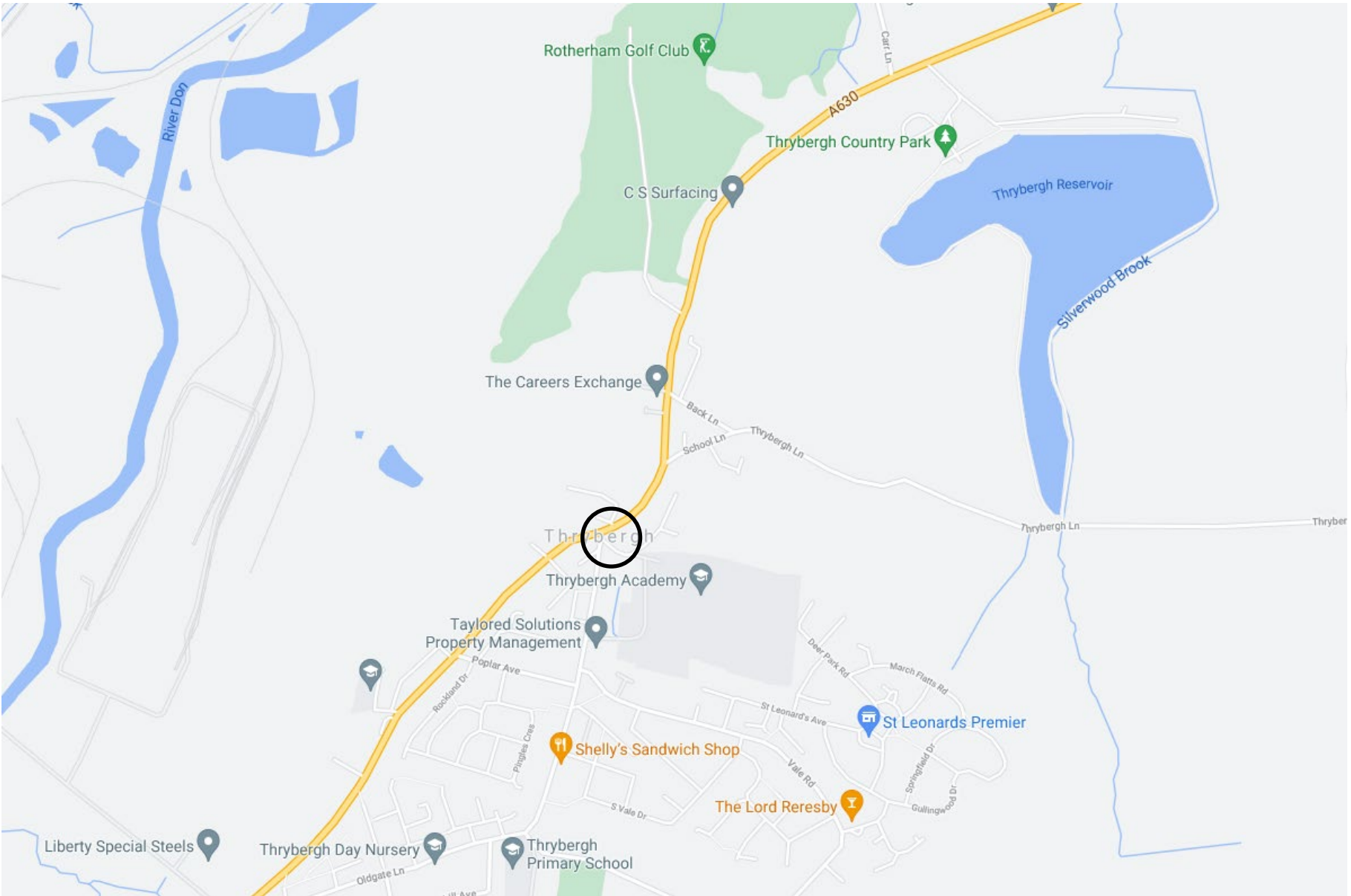
Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

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 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.
 - iv. 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.
 - v. The Licensing Officer will introduce in turn representatives for any Responsible Authorities and Interested Parties who will be asked to detail their relevant representations.
 - vi. Members may ask questions of those parties
 - vii. With the leave of the Chair the applicant or his representative may ask questions of the representatives of the Responsible Authorities and Interested Parties.
 - viii. The applicant will then be given the opportunity to sum up the application. The Licensing Officer will then detail the options.
 - ix. There will then be a private session for members to take legal advice and consider the application.
- 5 The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

Notes:

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











APPENDIX 2
Licensing Act 2003
Premises Licence
P1030

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**Deer Park Retail Village LTD**

Doncaster Road, Thrybergh, Rotherham, South Yorkshire, S65 4BH.

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 ON and OFF the premises	Monday to Saturday	10:00am	9:00pm
	Sunday	11:00am	9:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	9:00pm
Sunday	11:00am	9:00pm

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

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

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
Deer Park Retail Village LTD
info@deerparkretailvillage.co.uk

Deer Park Farm Unit 2, Doncaster Road, Thrybergh, Rotherham, S65 4BH.

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

Deer Park Retail Village LTD

114113471

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

Helen Elisabeth CRISTINACCE



APPENDIX 2

Licensing Act 2003 Premises Licence

P1030

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. RM3286

Issued by Rotherham



Licensing Act 2003 Premises Licence

P1030
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



APPENDIX 2
Licensing Act 2003
Premises Licence
P1030**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



APPENDIX 2
Licensing Act 2003
Premises Licence
P1030**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



APPENDIX 2
Licensing Act 2003
Premises Licence
P1030**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 clear and legible notices are displayed at the premises indicating the normal trading hours of business and licensable activities.
2. The licence holder shall ensure that the sale of alcohol is not made to drunk or intoxicated customers.



APPENDIX 2
Licensing Act 2003
Premises Licence
P1030**ANNEXES continued ...**

3. The licence holder shall ensure that clear and conspicuous notices are displayed at the premises warning of potential criminal activity, such as theft, which may target the customer.

Public Safety

4. The licence holder shall ensure that adequate fixed internal and external lighting is provided at the premises.

Prevention of Public Nuisance

5. The licence holder shall ensure that clear, prominent and legible notices shall be displayed at the exits requesting that the public respect the needs of nearby residents and leave the premises and area quietly.

6. The licence holder shall ensure that movement of bins and waste outside the premises shall be kept to a minimum after 23.00

Protection of Children from Harm

7. The licence holder shall ensure that Challenge 25 is implemented, with appropriate notices displayed at the premises to advise customers of this.

8. The licence holder shall ensure that staff are well trained in relation to the acceptable forms of identification for Challenge 25.

9. The licence holder shall ensure that a refusals log book is kept at the premises at all times.

10. The licence holder shall ensure that a staff training record is maintained at the premises which will be available for inspection at all times.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

Annex 4 Plans

See attached



APPENDIX 2

Licensing Act 2003 Premises Licence Summary P1030

Premises Details

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

Deer Park Retail Village LTD

Doncaster Road, Thrybergh, Rotherham, South Yorkshire, S65 4BH.

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 ON and OFF the premises	Monday to Saturday	10:00am	9:00pm
	Sunday	11:00am	9:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	10:00am	9:00pm
Sunday	11:00am	9:00pm

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Deer Park Retail Village LTD

Deer Park Farm Unit 2, Doncaster Road, Thrybergh, Rotherham, S65 4BH.

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

Deer Park Retail Village LTD

114113471

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

Helen Elisabeth CRISTINACCE

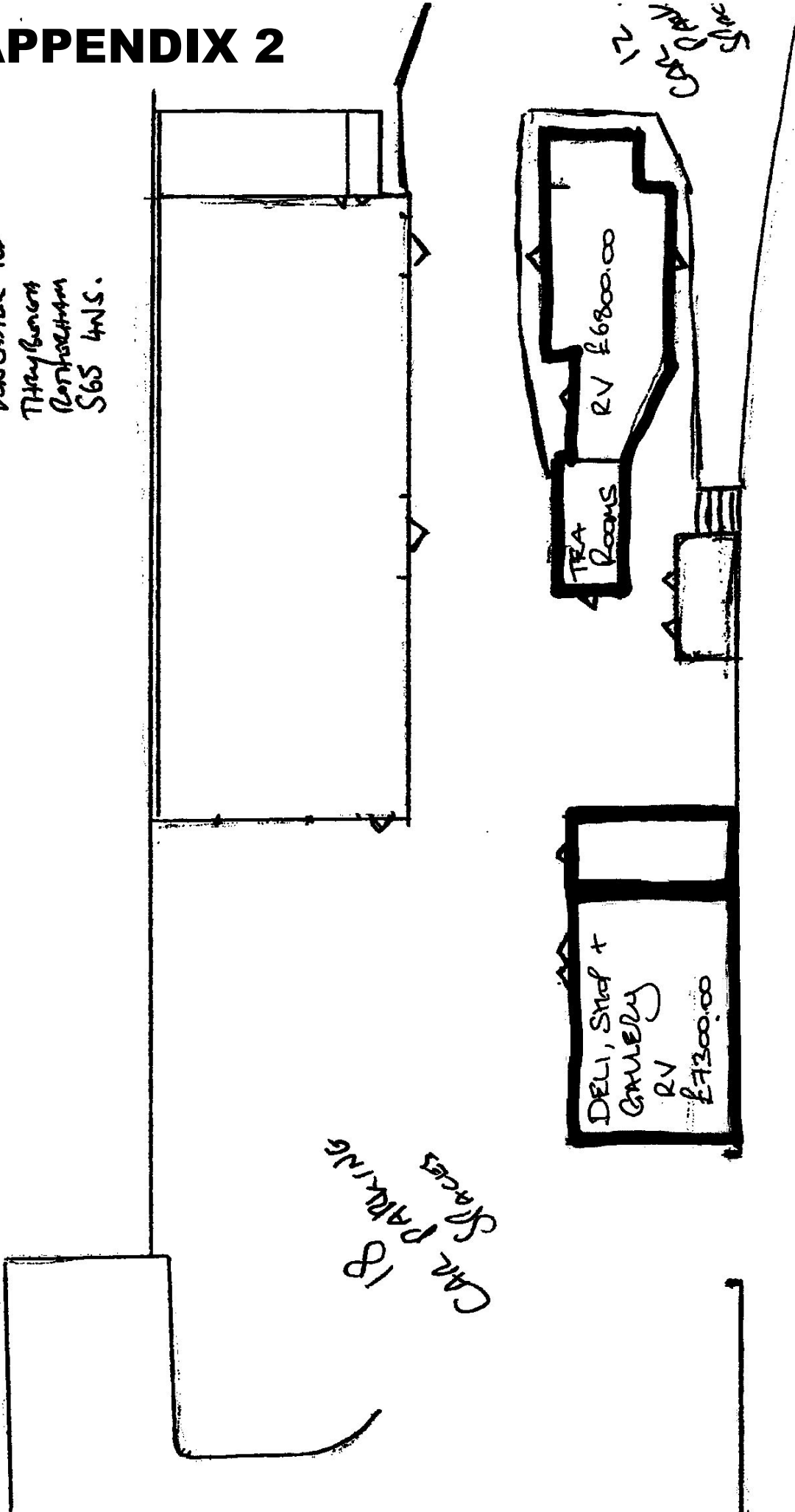
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



APPENDIX 2

VIEW FROM NORTH
DOWCASTER RD
THAYBURN
ROTHAM
S65 4NS.

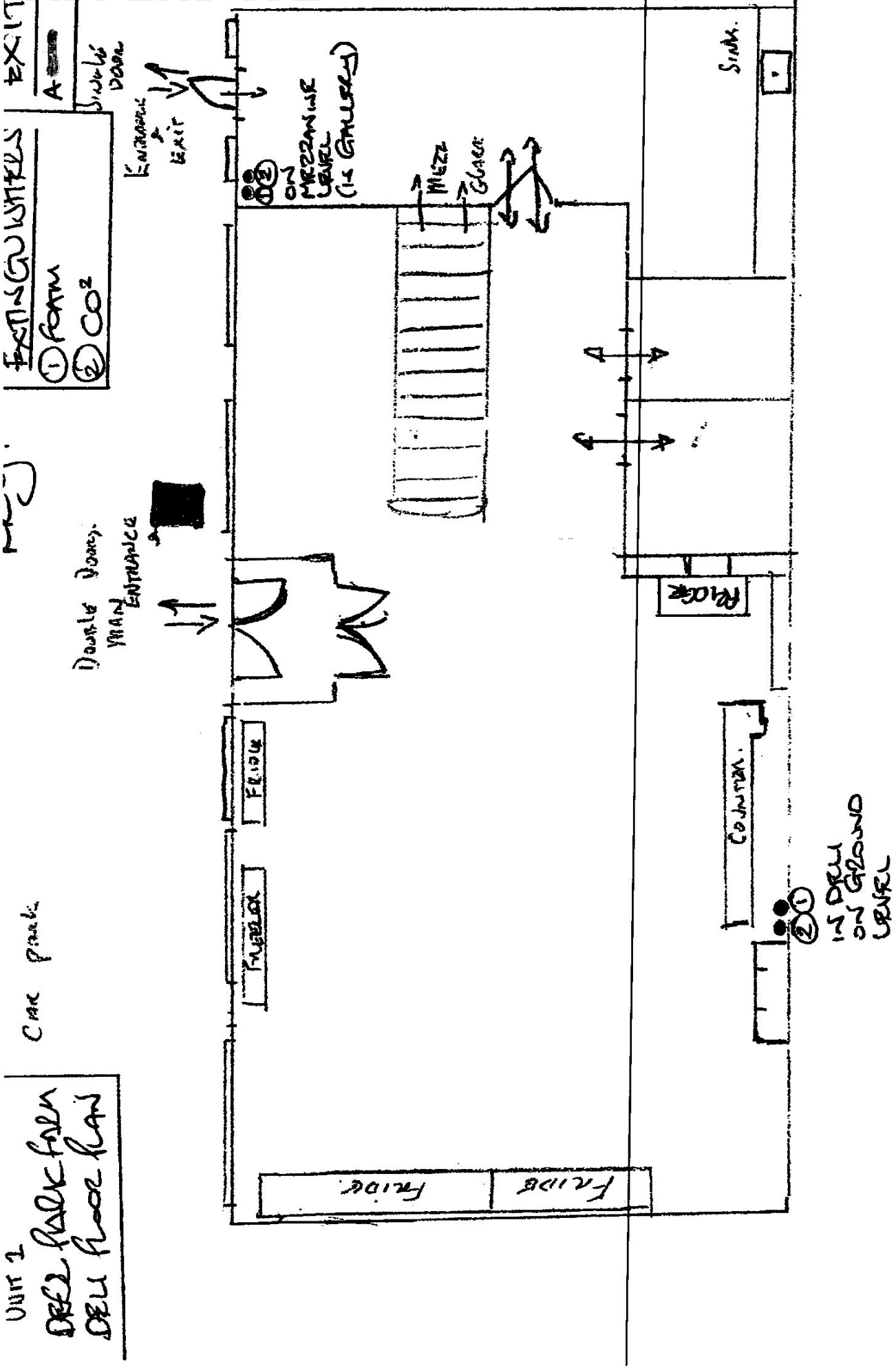


DOWCASTER ROAD A630

DOWCASTER

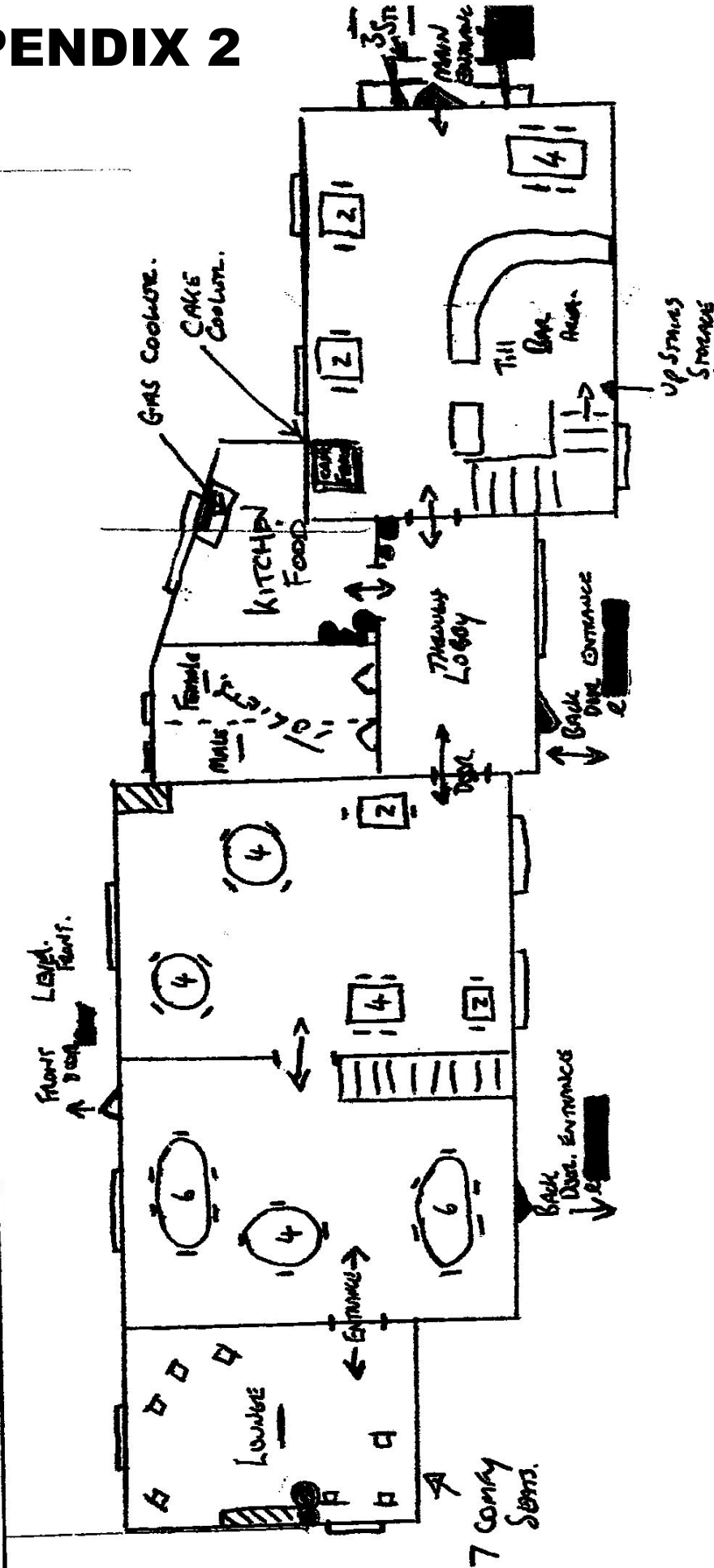
ROTHAM

APPENDIX 2



APPENDIX 2

DEER BACK FROM TERRA ROOMS FLOOR. PLAN



KEY:

EXIT	
A	—
B	—
C	—

EXON/GUESTS:

- FORM
- FIRE EXTINGUISHER
- CO₂
- POWDER

APPENDIX 3

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 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 (as detailed on)

Payments can be made via telephone on

I/We ...HELEN E CRISTINACCE ON BEHALF OF DEER PARK RETAIL VILLAGE 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.

Premises licence number P1030

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

DEER PARK RETAIL VILLAGE LTD. DEER PARK FARM. DONCASTER ROAD. THRYBERGH

Post town ROTHERHAM

Post code S65 4BH

Telephone number of premises (if any)

01709 854 440

Non domestic rateable value of premises

£3,200.00

Part 2 – Applicant Details

Daytime contact telephone number

Email address (optional)

info@deerparkretailvillage.co.uk

Current postal address
if different from
premises address

Post Town

ROTHERHAM

Postcode

APPENDIX 3**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?

Day		Month		Year	

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 (please read guidance note 2)

THE SALE OF ALCOHOL IN THE FARM SHOP/DELI (10.00am - 17.00pm. NOVEMBER & DECEMBER THE TIMES WILL ALTER: 10.00am - 21.00pm).

THE SALE OF ALCOHOL FROM THE NEWLY CONVERTED MICRO PUB (10.00am - 21.00pm).

THE CONSUMPTION OF ALCOHOL IN THE NEWLY CONVERTED MICRO PUB AND ON ALL EXTERNAL DECKING AREAS (10.00am - 21.00pm) AS SEEN ON THE PLAN.

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

--

APPENDIX 3

Part 4 - Operating Schedule

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

Please tick all that apply

Provision of regulated entertainment

- a) play (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) ☐

Sale by retail of alcohol (if ticking yes, fill in box J) ☒

In all cases complete boxes K, L and M

APPENDIX 3

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

Please give further details here (please read guidance note 5)

State any seasonal variations for performing play (please read guidance note 6)

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

Please give further details here (please read guidance note 5)

State any seasonal variations for the exhibition of films (please read guidance note 6)

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)

APPENDIX 3**C**

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 6)
Mon			
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

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

APPENDIX 3

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur					
Fri			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)		
Sat					
Sun					

APPENDIX 3

G

Performance of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon						
Tue						
			State any seasonal variations for the performance of dance (please read guidance note 6)			
Wed						
Thur						
			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. (please read guidance note 7)			
Fri						
Sat						
Sun						

H

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

APPENDIX 3

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 5)	Both	
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 7)		
Sat					
Sun					

APPENDIX 3

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption on or off the premises or both – please tick (please read guidance note 9) FOR THE RECORD: ENVIRONMENTAL NOISE SOLUTIONS PERFORMED AN INTERNAL NOISE TEST OF 90 dB LAeq, T, USING A DIFFUSE WHITE NOISE SOURCE WHICH IS SIGNIFICANTLY HIGHER THAN EXPECTED WITHIN THE PREMISES. THE WINDOWS ARE NON OPENING THEIR PURPOSE IS PURELY FOR LIGHT THEREFORE THE TEST WAS CARRIED OUT WITH THE EXTERNAL DOORS OPEN. THE NOISE WAS INAUDIBLE AS THE DOMINANT NOISE CAME FROM THE TRAFFIC ON THE MAIN DONCASTER ROAD THAT BORDERS THE PREMISES.	On the premises	
Day	Start	Finish		Off the premises	
				Both	✓
Mon	10.00AM	21.00PM	State any seasonal variations for providing dancing facilities (please read guidance note 6)		
Tue	10.00AM	21.00PM			
Wed	10.00AM	21.00PM			
Thur	10.00AM	21.00PM	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 7)		
Fri	10.00AM	21.00PM			
Sat	10.00AM	21.00PM			
Sun	11.00AM	21.00PM			

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6) IN RELATION TO THE FARM SHOP/DELI: RETAIL SALES WILL EXTEND TO 21.00PM THROUGHOUT NOVEMBER - DECEMBER
Day	Start	Finish	
Mon	10.00AM	21.00PM	
Tue	10.00AM	21.00PM	
Wed	10.00AM	21.00PM	
Thur	10.00AM	21.00PM	Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 7) PLEASE REFER TO THE ANSWER ABOVE
Fri	10.00AM	21.00PM	
Sat	10.00AM	21.00PM	
Sun	11.00AM	21.00PM	

APPENDIX 3

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

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

APPENDIX 3

K

APPENDIX 3

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)

L

Please tick ✓ yes

- 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

APPENDIX 3

M

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, e) (please read guidance note 11)

OUR DPS WILL ENSURE ALL WORKING IN THE FARM SHOP/ DELI & MICRO PUB ACKNOWLEDGES THE FOUR LICENSING OBJECTIVES ARE PARAMOUNT AT ALL TIMES & ARE ABLE TO PUT THEM INTO PRACTICE. UNDERTAKE REGULAR & ANNUAL TRAINING TO BECOME AWARE OF CUSTOMERS THAT ARE UNDERAGE, IN A STATE OF DRUNKENNESS OR UNDER THE INFLUENCE OF DRUGS & MAINTAIN RECORDS. ALL REGISTERS WILL BE AVAILABLE TO THE POLICE & LOCAL AUTHORITY ENFORCEMENT OFFICERS ON REQUEST. VISIBLE CLEAR CHALLENGE 25 SIGNS PLACED IN THE DELI & MICRO PUB & ALSO TO RESPECT OUR NEIGHBOURS PLACED AROUND THE DECKING AREAS & THE ENTRANCE/ EXIT OF THE MICRO PUB.

b) The prevention of crime and disorder

IN AN EVENT OF A POSSIBLE CRIME/INJURY/ANTI-SOCIAL BEHAVIOUR: THE PERSON WILL BE POLITELY ASKED TO LEAVE IF THEY PERSIST REPORT TO THE POLICE. DATA FROM THE RELEVANT CCTV CAMERAS WILL BE RETRIEVED & GIVEN TO THE POLICE ON REQUEST. DETAILS TAKEN FROM WITNESSES, A BRIEF ACCOUNT, THE DAY, TIME & POLICE OFFICER IN ATTENDANCE WILL BE RECORDED IN THE INCIDENT REGISTER.

c) Public safety

IN A CASE OF A FIRE, WE HAVE THE APPROPRIATE FIRE EXTINGUISHERS IN ALL NECESSARY AREAS OF THE BUILDINGS, CLEAR EMERGENCY EXITS AND LIGHTING, WHICH ARE INSPECTED.

d) The prevention of public nuisance

IN AN EVENT OF A PERSON OR PERSONS SEEN TO BE A NUISANCE: POLITELY ASK THEM TO QUIETLY VACATE THE FARM SHOP/DELI, MICRO PUB OR DECKING. THEIR DETAILS, THE INCIDENT, TIME, DAY & INVOLVED STAFF WILL BE RECORDED IN THE REFUSAL TO SERVE ALCOHOL REGISTERS. ALL STAFF WILL BE MADE AWARE & WEEKLY THE DPS WILL CHECK & SIGN THE REGISTER. THESE REGISTERS WILL BE AVAILABLE FOR INSPECTION ON REQUEST BY THE POLICE OR LOCAL AUTHORITY ENFORCEMENT OFFICER.

e) The protection of children from harm

AS WRITTEN IN SECTION A, THE STAFF WILL BE TRAINED TO REQUEST PROOF OF A PHOTO ID IF A CUSTOMER APPEARS UNDER THE AGE OF 25. THE SITUATION WILL BE RECORDED FOR THE REFERENCE OF ALL STAFF & ON REQUEST RELEVANT OFFICIALS.

APPENDIX 3

- | | Please tick ✓ | Yes |
|--|---------------|--------------------------|
| • I have made or enclosed payment of the fee, or | | <input type="checkbox"/> |
| • 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 | | <input type="checkbox"/> |
| • I have sent copies of this application and the plan to responsible authorities and others where applicable | | <input type="checkbox"/> |
| • I understand that I must now advertise my application | | <input type="checkbox"/> |
| • I have enclosed the premises licence or relevant part of it or explanation | | <input type="checkbox"/> |
| • I understand that if I do not comply with the above requirements my application will be rejected | | <input type="checkbox"/> |

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. (See guidance note 13). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 27/6/21

Capacity PREMISES LICENCE HOLDER

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)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)



UNIT 1 Dear Park Rental Village

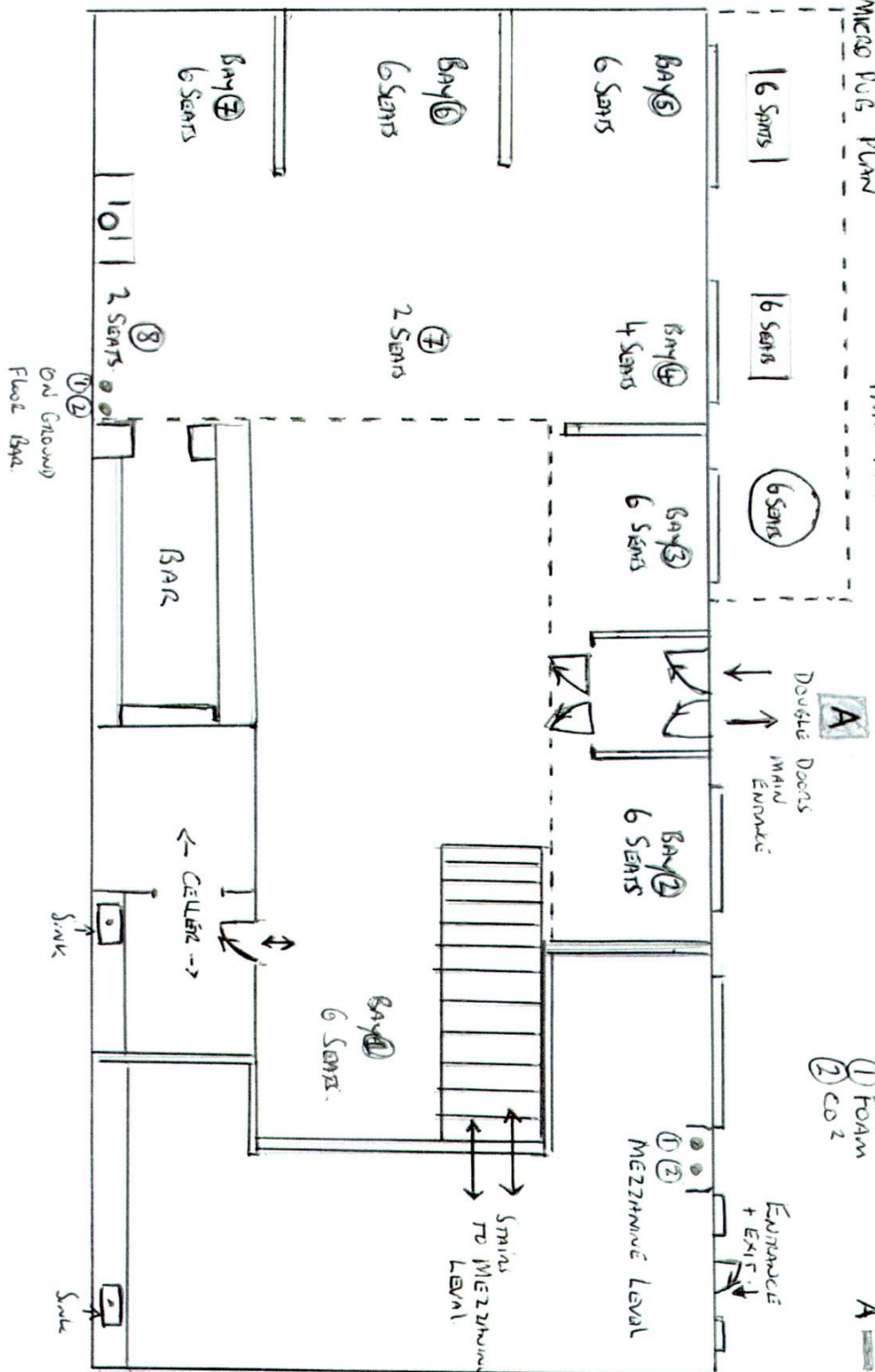
Micro Pub Plan

PATO ALMA

Extrinsicals

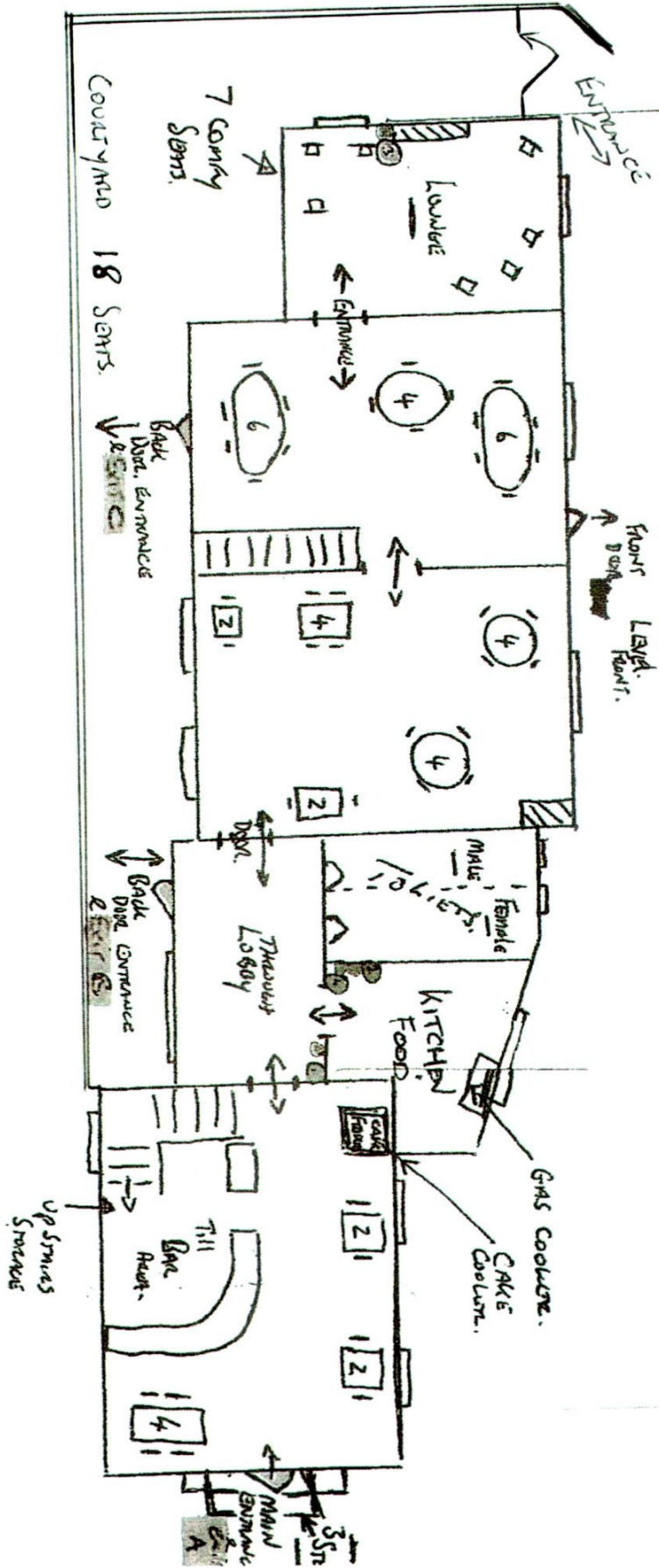
- ① Foam
- ② CO_2

Δ
 π
 χ
 γ



DEER PARK FROM TERRACONOMY Floor. Plan
+ Courtyard

DEER PARK DETAIL VILA



KEY:

EXIT	EXON/GUESTS
A	1 FORM
B	2 CO ₂
C	3 FOUNTE

APPENDIX 4

Proposed Conditions
Deer Park Farm, Thrybergh.

1. The licence holder shall ensure that consumption of alcohol does not take place within the customer car parks and is contained to the inside and seating areas outside as marked out in the plan.
2. New staff shall receive induction training at the commencement of their employment at the premises, including drug awareness, underage sales training, and serving to persons in drink. This training shall be recorded.
3. Staff refresher training shall take place on an annual basis and be recorded.
4. All staff training records shall be retained on the premises, maintained by the DPS or Premises Licence Holder, and made available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.
5. A refusals register shall be maintained and kept on site at all times to record all incidents involving refusal to serve alcohol at the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. The register shall be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing.
6. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.
7. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. The register shall be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing.
8. The register shall include the details of any Police Officer who attended the incident, names and addresses of any witnesses, and confirmation as to whether there is CCTV footage of the incident.
9. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.

APPENDIX 4

10. The premises licence holder shall adopt an age verification scheme which incorporates Challenge 25.
11. Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.
12. The licence holder shall ensure that no promotional offers on prices of alcohol are offered with sale of shop goods.
13. A digital CCTV system shall be installed and in operation at the premises at all times. There shall be CCTV in each of the buildings where alcohol will be sold including the areas where alcohol is on display and the till area. There shall also be CCTV covering the outside area. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded immediately onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the till area where payment is made for alcohol. The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.
14. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.
15. 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, a risk assessment shall be carried out by the premises licence holder to determine whether door supervisors/security officers 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.
16. The licence holder shall ensure regular glass collecting is undertaken to ensure children under the age of 18 do not have access to open vessels containing alcoholic products.
17. The Customers shall be reminded by way of clear and prominent notices at the entrance/exit doors to please respect the needs of the local residents and leave the premises and area quietly.
18. The licence holder shall ensure that regular checks are carried out outside of the premises to ensure that the area is free from litter and nuisance behaviour associated with the operation of the business.

APPENDIX 5

memorandum

Neighbourhoods



To:
LICENSING

Date: 30 July 2021

For the attention of Licensing Services

Premises Variation to licence: The sale of alcohol in the farm shop/deli (10.00am - 17.00pm.

November and December the times will alter: 10.00am - 21.00pm

The sale of alcohol from the newly converted Micro Pub 10.00am to 21.00pm

The consumption of alcohol in the newly converted micro pub and on all external decking areas

10.00am - 21.00pm

Deer Park Retail Village Street Record Doncaster Road Thrybergh Rotherham

Contact:
Jane Coldrey

Ref:
052790

Extension:
255021

I write with reference to the above application to which I received consultation papers on 13 July 2021, and would report as follows-

A site visit was made to the newly converted micro bar at Deer Park Retail Village on 19th July 2021.

The bar has no openable windows and has a lobby space between the main front door and internal door, therefore no significant noise breakout is anticipated.

The nearest noise sensitive receptors to the application site are residential dwellings on Arran Hill and Church View.

A noise break out test was carried out by ENS on 4th June 2021, an internal noise level of 90 dB LAeq, T was generated within the bar using a diffuse white noise source (note: this is significantly above that expected to occur within the premises, however, such levels were generated in order to attempt to measure the corresponding noise level externally). The bar has non-openable windows, however, noise breakout measurements were undertaken with the external doors open.

Noise measurements were undertaken at the nearest noise sensitive receptor. As anticipated, noise breakout at the nearest noise sensitive receptor was subjectively inaudible, with road traffic on the A630 remaining wholly dominant. On this basis, the

APPENDIX 5

breakout of internal noise within the bar is not considered further within the assessment.

Air conditioning has been installed in the bar as there is no natural ventilation, apart from the front door.

There is to be no live music/events in the bar, only low-level background music from the wall mounted television.

The proposed opening times for the bar are 10.00am to 21.00hrs with outdoor seating to the front and side of the bar.

It is recommended that the proposed opening times to the micro bar are restricted to 10.00am to 21.00pm to protect the local residents from any unwanted noise.

The double doors to the micro bar should be closed at all times to prevent any breakout of noise from the bar and to protect the local residents from any unwanted noise.

Signage in the bar should be clearly visible to the customers to remind them of respecting the local residents when leaving the bar.

Should you require any further information regarding this application, please do not hesitate to contact me.

SignatureJane Coldrey.....

Environmental Health Officer

Representation from K and K D

Good Afternoon

My Husband my [REDACTED] son and myself live at [REDACTED] Arran Hill Thrybergh.
We share a boundary with the Deer Park Village [REDACTED]

I'm writing to you today regarding the proposed micro pub and outdoor seating which we strongly object to!

THE PREVENTION OF PUBLIC NUISANCE

The level of noise from customers currently coming and going to the Deli/Antiques and the Tea Rooms is significantly alarming you can here customers arrive opening and closing car doors, talking.

I can only imagine how this will increase if the micro pub is granted.

The noise disturbance from the traffic alone is an absolute NUISANCE and if this was to carry on till 10pm at night is disgusting.

Also my [REDACTED] sons bedroom is facing the car park so can hear every car!!

PROTECTION OF PUBLIC SAFETY

THE PROTECTION OF CHILDREN FROM HARM

THE PREVENTION OF CRIME AND DISORDER

The increased activity on Arran Hill and Doncaster Road by the public increases the risk of crime and disorder.

Breach of peace, assaults domestic abuse drugs
Alcohol abuse..

APPENDIX 6

We ask the Licencing board at RMBC to seriously consider all above and not grant the licence to Deer Park Village.

Please consider our health's and well being living on Arran hill.

Kind Regards



APPENDIX 6

Representation from Mr and Mrs J

To RMBC Licencing Commitee

My wife and myself live at [REDACTED] Arran Hill .Our property is overlooks the proposed Micro pub and outdoor seating. We share a boundary with this site there is no buffer zone to alleviate.any noise generated from these premises.

We both strongly object to the above application for the following reasons:

Serious loss of personal privacy:

- 1) Anyone sitting facing the windows in the proposed micro-brewery building have unrestricted views of our bedroom windows.
- 2) Anyone seated outside the proposed micro-brewery have unrestricted view of our bedroom windows.
- 3) Anyone standing outside this building smoking or just gathering have unrestricted views of our bedroom windows.
- 4) Anyone walking out of the micro-brewery doors have unrestricted views, both serving staff and customers.
- 5) Seating areas are close enough to overhear private conversations another breach of our privacy.

Loss of amenity:

Operating hours were agreed and set when this company moved on to this site 09.00 to 17.30 Monday to Friday, 09.00 to 16.00 Saturday and 10,00 to 16.00 on Sunday. These hours were set to minimise any noise disturbance to surrounding residents.

[REDACTED]

If this licence is agreed to only time we shall have in relevant peace is when we retire to bed and are awakened in the morning. [REDACTED]

Any more noise would be against the little amenities' residents have now. Issuing of this licence for this number of unsociable hours seven days a week 52 weeks a year I am sure would affect our mental wellbeing. As you would be driving us indoors again and denying us access to our gardens and a little peace and quiet.

THE PREVENTION OF PUBLIC NUISANCE

The number of car parking places applied for 50+ makes this venue anything but small, noise alone generated from vehicle access would be unacceptable. The noise generated from this amount of people on such a small site adjacent to residential building with no protective buffer zone would surely be unacceptable.

People smoking, talking loudly (more people drink the louder they become) noise of furniture being moved glasses being collected, bottles being thrown into containers. All of this is Sharpe noise unlike the white noise from light traffic.

APPENDIX 6

Licence states 21.00 hours but with drinking up time and clearing up time site I am sue will be creating noise closer to 22.00 hours or beyond.

RMBC and the elected committees are there not only to police business but also to protect the amenities of rate paying residents of Rotherham.

We are asking you to refuse this application and to protect [REDACTED] amenities we have left. Please protect our mental health this is something all are entitled to.

Kind Regards

Mr and Mrs J [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

APPENDIX 6

Representation from Mr and Mrs H

To whom it may concern

We live at [REDACTED] Arran Hill .Our property is overlooking the proposed Micro pub and the whole of Deer park farm site and we share/ have a boundary wall with the site at the bottom of our garden.

Myself and my husband strongly object to the above application for the following reasons:

To adhere to current planning permissions the buildings on this site currently only have panning permission for retail hours 9.00 to 17.30 Monday to Friday, 9.00 to 16.00 Saturday and 10.00 till 16.00 on Sundays These hours were set by the planning department several years ago to protect the adjacent residential properties due to there being no buffer zone between this site and the residential properties to minimise any noise disturbance. We are aware that we have Doncaster road at that rear of our properties, but this road was here when we moved in and quietens down around 6pm so has very little impact on the enjoyment of our garden in the evenings.

[REDACTED]

THE PREVENTION OF PUBLIC NUISANCE

The variation refers to the previous Deli building where they have previously sold alcohol to be consumed off the premises – this caused no concern whatsoever however if a license for the sale of alcohol in the proposed micro pub is granted and the outside seating areas around the site are to be utilised and have seating for 14 people I have been informed. The level of noise that can be made by 14 people that are drinking alcohol and inebriated will no doubt be a public nuisance for residents of properties on Arran Hill that are overlooking the site from our back gardens [REDACTED]

[REDACTED] The noise disturbance will be disruptive and has already become an issue over the past few months - [REDACTED]

[REDACTED] This has been more than enough to contend with never mind drunk people laughing, swearing, and just chatting as these are amplified when under the influence of alcohol.

There also has to be some consideration given to the noise that people arriving to the pub and leaving will make, such as car doors been closed, talking to one another we already hear voices/ conversations from the site as these carry upwards to our properties). We already hear all of these noises and sounds throughout the day time so when things quieten down in the evening this will no doubt be an even bigger disturbance.

There is the noise that will follow once the pub is closed at 9pm. The noise of bottles being thrown into a bottle bank/bin that is sited against the back wall which is the boundary wall with several homes on Arran Hill and staff leaving in cars slamming

APPENDIX 6

doors on vehicles. This disturbance could potentially be up to 10pm and 7 days a week. I note from the noise report that it is deemed that Doncaster Road is cited to be higher in noise levels than the noise that will be from the micro pub – I wonder when these assessments were completed what time of day, because if the noise assessment was completed during the day time then this would not be a true reflection of the noise as the road is very busy between 8am to 6-6.30pm but then quietens down which would be when we as residents will be able to hear the noise more noticeably from Deer Park Farm micro pub.

We already hear these sounds around 4.30pm – 5.30pm Monday to Friday as it currently stands but it is bearable as we know the site will be quiet after 6pm and not cause us any more upset or be a public nuisance.

The license that is being applied for is for 7 days a week so there will be no respite from the noise at weekends for us residents, this is just not conducive to the quiet lifestyle we lead and want to continue to lead. This application has caused my husband and I a lot of upset and stress over the past few months which is something we could do without in these trying times.

There is also the issue about smoking and residents having to smell that when we are in our own gardens which we find totally unacceptable as non smokers ourselves and do not wish to subject any of our visitors to this either.

Lighting from the outdoor area will light up back rooms of homes on Arran hill.

Will there to be any music played or live events as these will cause a further disruption to our peace and quiet not just when in our gardens but when we are in our homes.

Additional litter around the surrounding area.

We have already noticed increased traffic on Arran Hill with many more vehicles driving up the road and deliveries being made to the flower shop etc using the entrance on Arran hill which I have observed myself, instead of using the main entrance on Doncaster Road.



Arran hill usually quietens down around 4pm and the traffic on Doncaster Road lightens around 18.00 to 18.30 this is the time residents can enjoy some peace and quiet in their own homes and gardens.

PROTECTION OF PUBLIC SAFETY

There is a risk of Increased occurrences of disorderly conduct and anti social behaviour following the consumption of alcohol. Risk of drugs being used by patrons of the pub resulting in illegal activity and potentially violent behaviour and disorder.

I have previously brought to the attention of the licensing board that Deer park farm were breaching their alcohol license by selling alcohol from the new deli which currently has no license to do so– therefore the license has been flouted already before any further licenses granted.

Past behaviour is a strong indicator of future behaviour in my opinion and this concerns us that the rules will not be adhered to and we will have ongoing issues with the site moving forwards should he license be granted.

We have no issue with Deer Park as it currently stands as it closes at 6pm as per the current planning permissions and regulations that are in place to protect residents from all of the above.

APPENDIX 6

THE PROTECTION OF CHILDEN FROM HARM

What safeguarding measures are to be put in place to protect children and young people from harm if allowed on the premises, will there be restricted access to certain areas for children. Will children be allowed to play outside and cause further noise and disruption. Will there be exclusion of children totally.

THE PREVENTION OF CRIME AND DISORDER

Increased activity around Doncaster Road and Arran Hill with members of the public using Arran hill and surrounding areas which would not have done so usually increases the risk of crimes occurring. Such as an increase in burglaries, car thefts public order offences , breach of the peace, assaults and domestic assaults occurring when under the influence of alcohol.

We urge the licensing board at RMBC to seriously consider all the above representations and not grant the variation of license to Deer Park Farm to ensure/protect the health and well being of Arran Hill, Doncaster Road and the surrounding area.

Kind Regards

Representation from M H

arran hill, thrybergh
Rotherham Yorkshire

I am writing to object to the application submitted by Deer park farm, retail village ltd,
of Doncaster road thrybergh, Rotherham

I am objecting on the grounds of public nuisance .My home borders the site of the above address and if this license is granted, the customers of this bar will be sat no more than fifteen to twenty yards from my rear garden where me and my family enjoy what leisure time we get,to have people sat drinking until nine o clock at night will have a huge impact to the leisure time we currently enjoy,the noise from such a bar will obviously disturb the peace and quiet we now enjoy ,obviously as the winter nights and the darker evenings creep in the bar will have to have sufficient lighting for people to be able to move around safely.As my rear bedrooms overlook the proposed bar the lights will illuminate my bedrooms,at present they only have security lights on and these alone illuminate our bedrooms.

APPENDIX 6

our gardens but using the back rooms of our home. The noise disturbance will be disruptive and has already become an issue over the past few months - all we have had is noise from the site, banging, drilling, car doors slamming, deliveries and a very persistent barking dog which does so every time someone enters the car park or a large/noisy vehicle passes on Doncaster Road. This has been more than enough to contend with never mind drunk people laughing, swearing, and just chatting as these are amplified when under the influence of alcohol.

There also has to be some consideration given to the noise that people arriving to the pub and leaving will make, such as car doors being closed, talking to one another we already hear voices/ conversations from the site as this carry upwards to our properties). We already hear all these noises and sounds throughout the daytime so when things quieten down in the evening this will no doubt be an even bigger disturbance.

There is the noise that will follow once the pub is closed at 9pm. The noise of bottles being thrown into a bottle bank/bin that is sited against the back wall which is the boundary wall with several homes on Arran Hill and staff leaving in cars slamming doors on vehicles. This disturbance could potentially be up to 10pm and 7 days a week. I note from the noise report that it is deemed that Doncaster Road is cited to be higher in noise levels than the noise that will be from the micro pub - I wonder when these assessments were completed what time of day, because if the noise assessment was completed during the day time then this would not be a true reflection of the noise as the road is very busy between 8am to 6-6.30pm but then quietens down which would be when we as residents will be able to hear the noise more noticeably from Deer Park Farm micro pub.

We already hear these sounds around 4.30pm - 5.30pm Monday to Friday as it currently stands but it is bearable as we know the site will be quiet after 6pm and not cause us any more upset or be a public nuisance.

The license that is being applied for is for 7 days a week so there will be no respite from the noise at weekends for us residents, this is just not conducive to the quiet lifestyle we lead and want to continue to lead. This application has caused my husband and I a lot of upset and stress over the past few months which is something we could do without in these trying times.

There is also the issue about smoking and residents having to smell that when we are in our own gardens which we find totally unacceptable as non-smokers ourselves and do not wish to subject any of our visitors to this either.

Lighting from the outdoor area will light up back rooms of homes on Arran hill and Church View.

Will there to be any music played or live events as these will cause a further disruption to our peace and quiet not just when in our gardens but when we are in our homes.

Additional litter around the surrounding area.

APPENDIX 6

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

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

[REDACTED]
[REDACTED]

Arran hill usually quietens down around 4pm and the traffic on Doncaster Road lightens around 18.00 to 18.30 this is the time residents can enjoy some peace and quiet in their own homes and gardens.

PROTECTION OF PUBLIC SAFETY

There is a risk of Increased occurrences of disorderly conduct and anti-social behaviour following the consumption of alcohol. Risk of drugs being used by patrons of the pub resulting in illegal activity and potentially violent behaviour and disorder.

I have previously brought to the attention of the licensing board that Deer park farm were breaching their alcohol license by selling alcohol from the new deli which currently has no license to do so- therefore the license has been flouted already before any further licenses granted.

Past behaviour is a strong indicator of future behaviour in my opinion, and this concerns_us that the rules will not be adhered to and we will have ongoing issues with the site moving forwards should he license be granted.

We have no issue with Deer Park as it currently stands as it closes at 6pm as per the current planning permissions and regulations that are in place to protect residents from all the above.

[REDACTED]
[REDACTED]
[REDACTED]

THE PROTECTION OF CHILDEN FROM HARM

APPENDIX 6

[There is the school at the top of Arran Hill on Church View so the increase in cars, vans and people using the car park which is already taking place might add , increases the risk of accidents occurring involving children.]

What safeguarding measures are to be put in place to protect children and young people from harm if allowed on the premises, will there be restricted access to certain areas for children. Will children be allowed to play outside and cause further noise and disruption. Will there be exclusion of children totally.

THE PREVENTION OF CRIME AND DISORDER

Increased activity around Doncaster Road and Arran Hill/ Church View with members of the public w ing Arran hill and surrounding areas which would not have done so usually increases the risk of crimes occurring. Such as an increase in burglaries, car thefts public order offences , breach of the peace, assaults and domestic assaults occurring when under the influence of alcohol.

We urge the licensing board at RMBC to seriously consider all the above representations and not grant the variation of license to Deer Park Farm to ensure/protect the health and well being of Arran Hill/Church View Doncaster Road and the surrounding area.

Kind Regards

[Mr and Mrs]

[Wright 5 Church]

[View]

[Thrybergh]

[S65 4E]