

LICENSING SUB-COMMITTEE

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

Date: Wednesday 8 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.17 of the Licensing Act 2003) for the Grant of a Premises Licence for Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA (Pages 3 - 73)

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Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 8th September 2021 (9:30 am)

Report Title

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence for Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA.

Report Author(s)

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

Report Summary

On the 16th July 2021, the Council's Licensing Service accepted an application for a Premises Licence at Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA. The premises is described by the applicant as a coffee lounge providing food and refreshments, serving alcohol on the premises as an accompaniment to meals. The applicant is seeking a licence to permit the provision of regulated entertainment and the sale of alcohol for consumption on the premises only.

As the premises is located within Wickersley, the application falls under the scope of the Council's Cumulative Impact Policy. This application should be considered in accordance with this policy along with the Council's overarching Licensing Act 2003 Statement of Licensing Policy.

Following the submission of the application paperwork, two representations were received. One from Wickersley Parish Council objecting to the application, and a second from a local resident supporting the application. In addition, Rotherham MBC Licensing Service (acting in its role as a responsible authority) have agreed conditions with the applicant that are intended to address any concerns that the service may have had in relation to the application. Further detail on these matters is provided within the main body of the report.

Recommendations

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

List of Appendices Included

- Appendix 1 Location details
- Appendix 2 Application form accepted on 16th July 2021 (including premises plan)
- Appendix 3 Conditions agreed with Rotherham MBC Licensing Service
- Appendix 4 Representation received from Wickersley Parish Council
- Appendix 5 Representation received from a local resident
- Appendix 6 Rotherham MBC Cumulative Impact Policy

Background Papers

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

Rotherham MBC Cumulative Impact Policy 2020 – 2023 (available at www.rotherham.gov.uk/licensing - also attached as Appendix 5)

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 Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA.

1. Background

- 1.1 The application has been made in relation to Fika Coffee Lounge, 212 Bawtry Road, Wickersley, Rotherham, S66 1AA. The applicant is seeking a licence to permit regulated entertainment and the retail sale of alcohol for consumption on the premises. The location of the premises is shown at Appendix 1.
- 1.2 The premises does not currently have the benefit of a Premises Licence prompting the submission of the application to which this report relates. A copy of application can be found at Appendix 2.
- 1.3 There is a prescribed period of 28 days following the submission of an application during which time interested parties / responsible authorities may submit representations in relation to the application.
- 1.4 At the end of the prescribed period, two representations had been received. One was from Wickersley Parish Council (objecting to the application) and the other from a local resident (Mr B W) in support of the application.
- 1.5 In addition to the representations that have been received, Rotherham MBC Licensing Service have put forward a number of conditions that should be added to the licence should it be granted, these have been discussed with the applicant who has agreed to offer these conditions for inclusion on the licence.

2. Key Issues

The application

- 2.1 The applicant is seeking authority for the following licensable activities to take place at the premises:
 - Provision of regulated entertainment (in the form of live and recorded music – indoors only) between the hours of 0800hrs and 2300hrs Monday to Sunday.
 - Retail sale of alcohol (for consumption on the premises only) between the hours of 1100hrs and 2300hrs Monday to Sunday.
- 2.2 The applicant has stated that the opening times of the premises are 0800hrs until 2300hrs Monday to Sunday.

As this application refers to the provision regulated entertainment (live and recorded music) the report author would like to draw members attention to

section 2.13 (important considerations in relation to regulated entertainment) and section 3.17 (conditions relating specifically to regulated entertainment).

Conditions agreed with Rotherham MBC Licensing Service

- 2.3 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 3 to this report.
- 2.4 The conditions detailed in Appendix 3 will be added to the licence should the Sub-Committee decide to grant the application under consideration.

Representations received

- 2.5 Two representation have been received, one from Wickersley Parish Council and the other from a local resident (Mr B W).
- 2.6 The representation from Wickersley Parish Council cited the following concerns in objection to the application:
- That the premises could be used principally as a drinking establishment which could add to the cumulative impact of premises already in the area.
 - Worsening of the existing issues already prevalent in the area.
- 2.7 Full details of the representation can be found in Appendix 4.
- 2.8 Since the submission of this representation, the Parish Council have been approached and asked to consider the validity of the representation in light of the conditions agreed with the Licensing Service. The Parish Council provided the following in response:

"Wickersley Parish Council are not satisfied that the proposed conditions satisfy our concerns. The requirement for the premises to operate primarily as a cafe/restaurant with the sale of alcohol being ancillary is not sufficiently precise to allow effective enforcement as it is open to interpretation and would still allow a significant patronage visiting simply to drink. This would be of particular concern with regard to evening events even if these need to be pre-booked.

The Parish Council consider that the conditions should be consistent with those imposed on the proposed restaurant known as 'Seasons' on the other side of Bawtry Road. It is therefore the view of the Parish Council that the first condition should require the premises to operate solely as a café / restaurant

with alcohol served only to seated customers as an accompaniment to food. The Parish Council consider that it is entirely reasonable to impose such tight restrictions to avoid additional adverse impact from yet another licensed premise in Wickersley.”

- 2.9 The applicant was approached and did not accept the addition of a condition on the licence along the lines proposed by the Parish Council. In response the Parish Council made the following submission (25th August):

“Further to the response from Fika Coffee Lounge with regards to their application for 212, Bawtry Road, Wickersley, the Parish Council have considered the matter further.

“The Parish Council appreciate that the proposed operating model should not cause nuisance to local residents and that a coffee lounge selling breakfasts, brunch, lunches and afternoon teas will be a welcome addition to the current provision in Wickersley. We also have no objection to a limited number of pre-booked evening events of the type proposed so long as alcohol is only served as an accompaniment to food.

However, we have a remaining concern that, should the premises change hands at a future date, the suggested licence conditions would not prevent the premises being used as a mixed use cafe and bar so long as the primary use remained a cafe/restaurant. We have seen this happening at other venues within Wickersley.

We would therefore like to see the suggested condition 1 being amended to read ‘The premises shall operate primarily as a coffee shop/restaurant with alcohol served only with a substantial food provision or buffet. ‘

The Parish Council considers this would allow Fika Coffee Lounge to operate as intended and allay our concerns about its future use.”

- 2.10 Due to time constraints, the above proposal has not been brought to the attention of the applicant. In addition, the Licensing Service are of the view that such a condition would be unenforceable in the absence of a clear definition of terms such as “substantial” and “buffet”.

- 2.11 The second representation was from a local resident, Mr B W. Mr B W was supportive of the application and cited the following:

- That the proposed usage of the premises is unlikely to generate criminal or disorderly conduct.
- The positive impact of the premises for the local community.
- Availability of alternative enforcement sanctions should issues arise at the premises.

2.12 Full details of the representation can be found in Appendix 5.

2.13 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.

2.14 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

2.15 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.

2.16 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.

2.17 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?

2.18 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.

2.19 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.

2.20 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.

2.21 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.
- 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 The public consultation period ended on 13th August 2021.
- 4.3 All Responsible Authorities, relevant ward members, and the Town / Parish Council have been notified of the application and all statutory requirements in relation to notification requirements have been complied with.

5. Timetable and Accountability for Implementing this Decision

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

6. Financial Implications

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

7. Legal Advice and Implications

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

consideration for the courts when considering the lawfulness and merits of any decision taken.

Cumulative Impact Policy

- 7.9 As this application relates to a premises in Wickersley, the application falls within the scope of the Council's Cumulative Impact Policy. This policy is attached for information as Appendix 6.
- 7.10 The Cumulative Impact Policy makes reference to a Cumulative Impact Assessment that has been carried out in the Wickersley area (in accordance with Section 5(a) of the Licensing Act 2003).
- 7.11 The assessment has been published as the Council believe that the number of licensed premises within the area described in the assessment is such that granting any further licences, or varying existing licenses, would be inconsistent with the Council's duty under the Act to promote the licensing objectives. There is therefore a presumption against the granting of new (or the varying of existing) licences in the area covered by the assessment.
- 7.12 When considering the presumption against granting or varying a licence in a CIZ, the Council must be satisfied that the applicant will not impact any further on the cumulative impact of existing licensed premises.
- 7.13 Applicants may suggest measures which they believe will demonstrate there will be no further impact from their premise. Examples that the Council may consider as demonstrating that there will be no further impact include:
- Small premises who operate outside of the peak hours of disruption, as described in the CIA.
 - Premises which are not alcohol-led and operate during the day-time economy.
 - Instances where a business is relocating to a new premise but retaining the same style of business.
 - Conditions which ensure the premise will operate in a particular manner, such as a minimum number of waiting staff to secure a food-led premise.
- 7.14 Examples of factors the Council will not consider include:
- That the premise will be well managed and well run.
 - That the premise will be constructed to a high specification
 - That the applicant operates similar premises in other areas without complaint.

- 7.15 Any representation made which supports the grant of a licence within a Cumulative Impact Zone will also be taken into account by the Council.

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

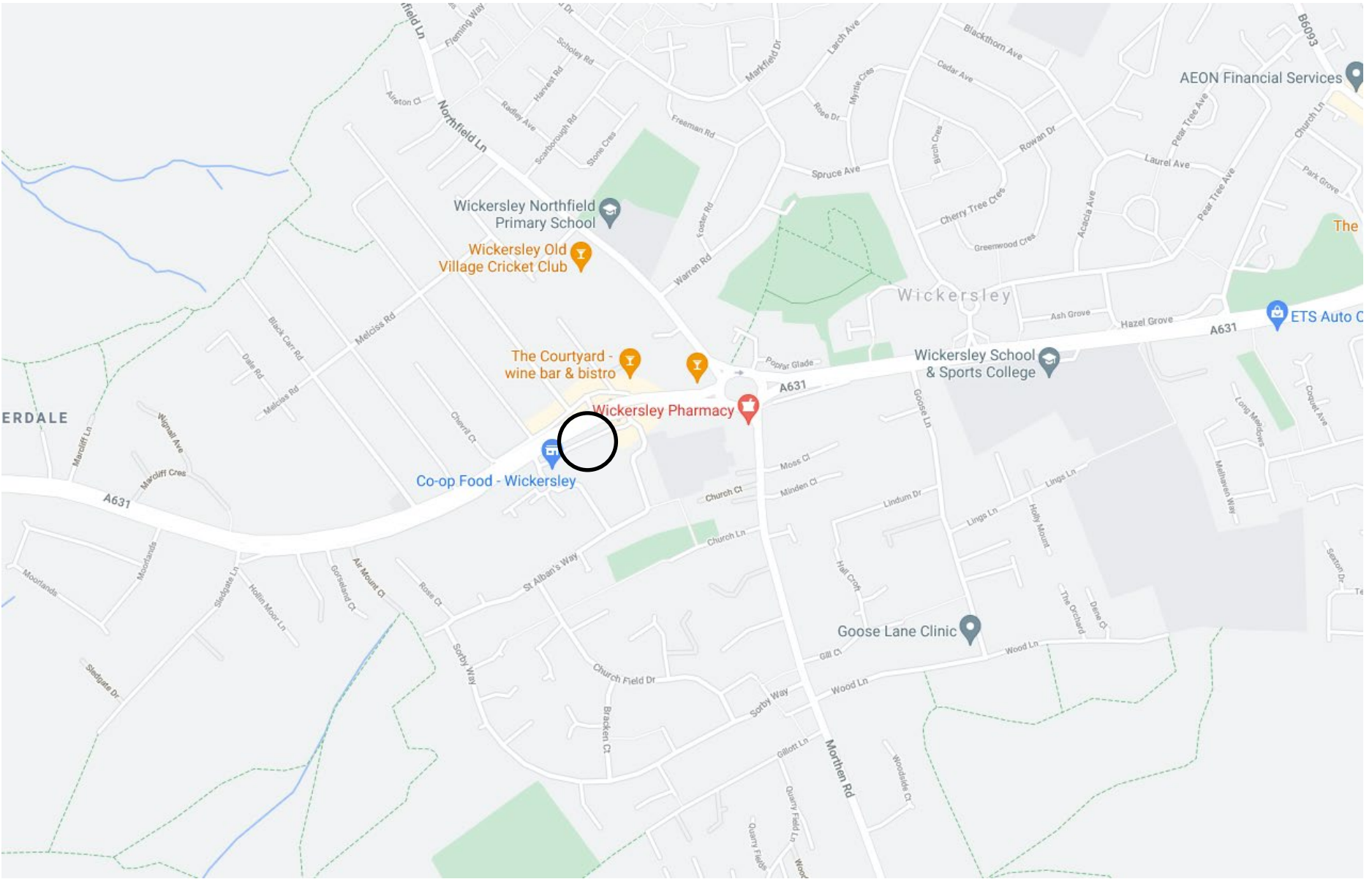
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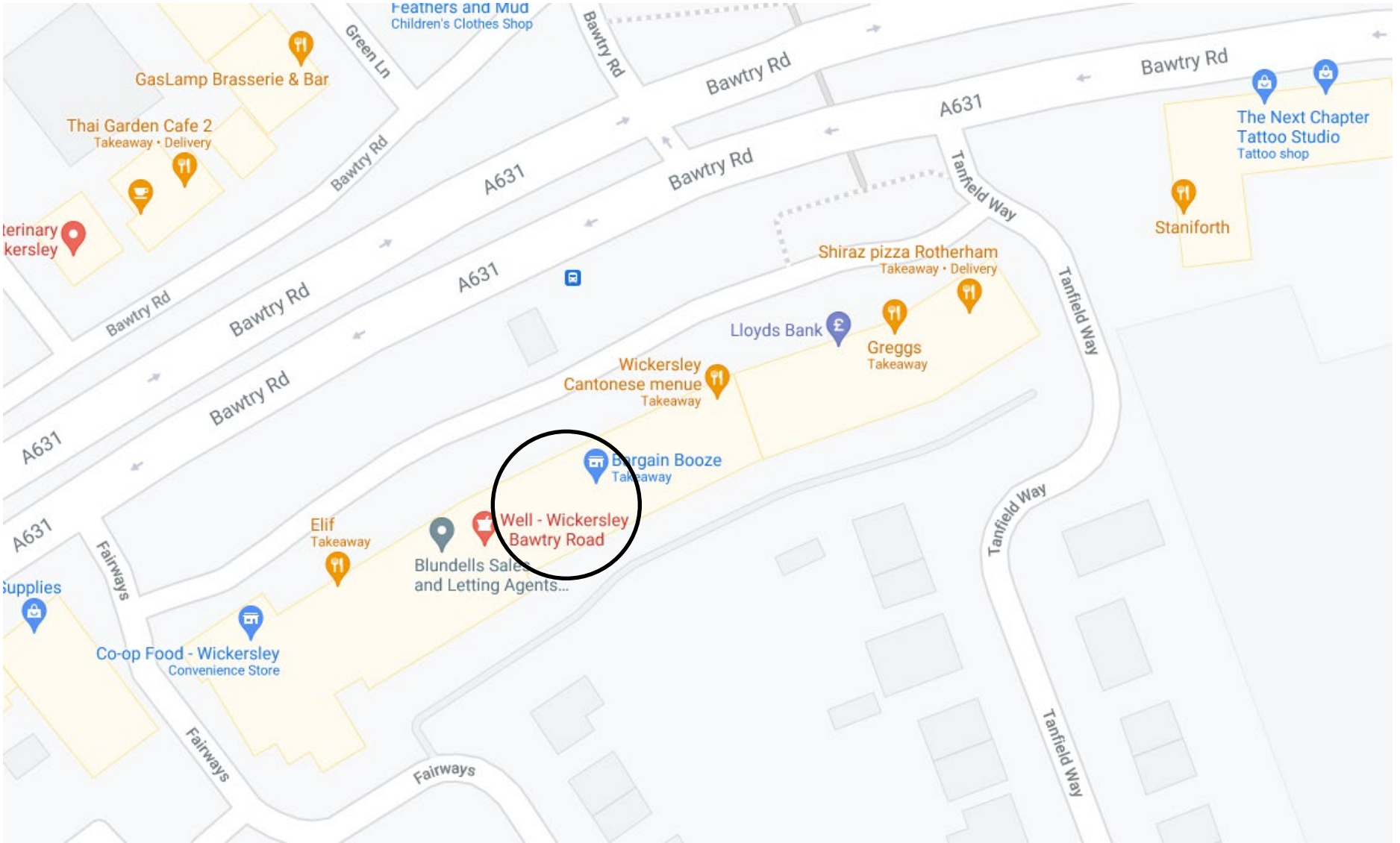
Hearing Procedure

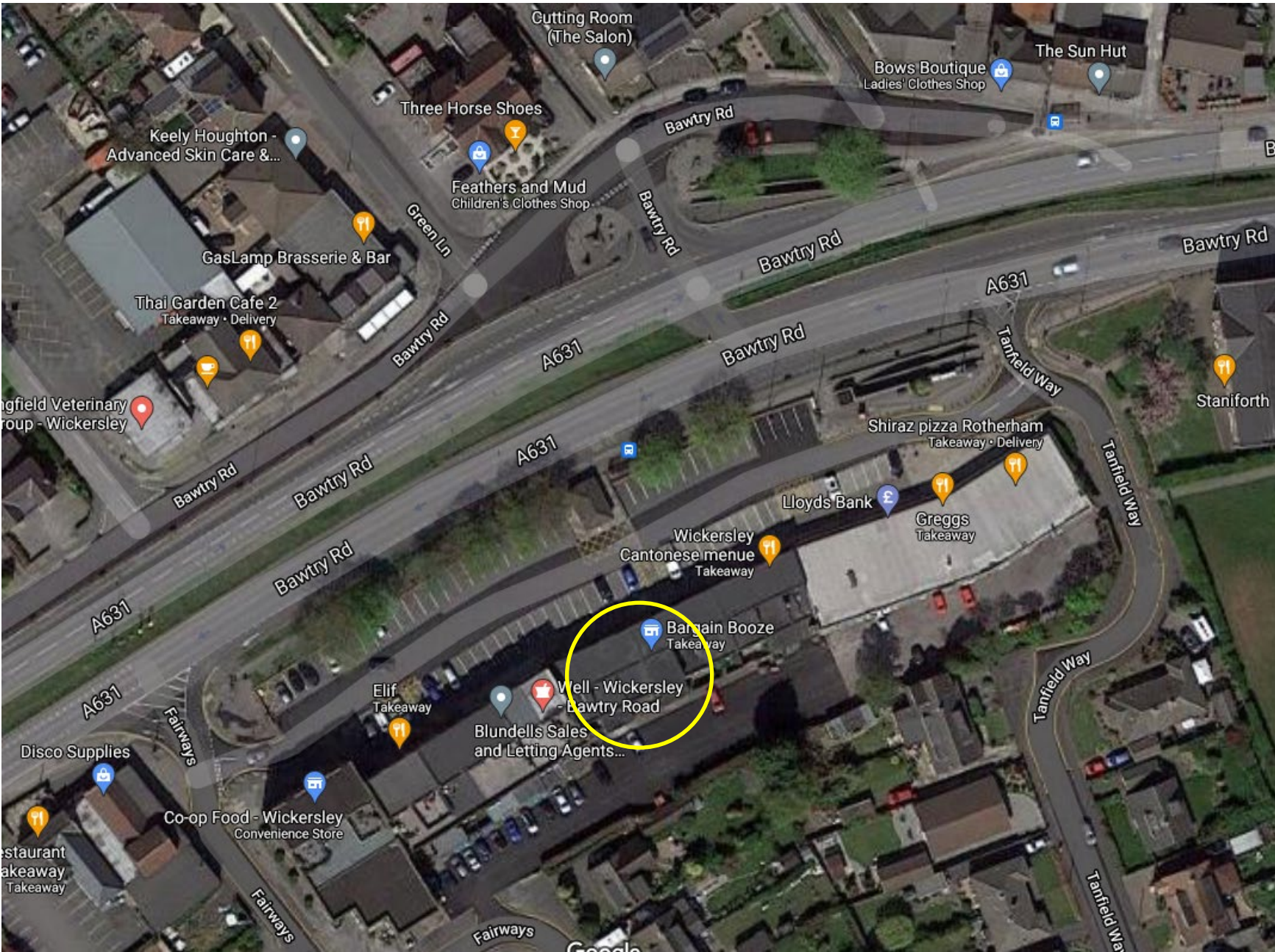
- 1 The Chair of the Licensing Committee will introduce the Committee and ask officers to introduce themselves.
- 2 The Chair will ask the applicants to formally introduce themselves.
- 3 The Licensing Officer will outline the procedure to be followed at the hearing.
- 4 Hearing Procedure:-
 - i. The 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.

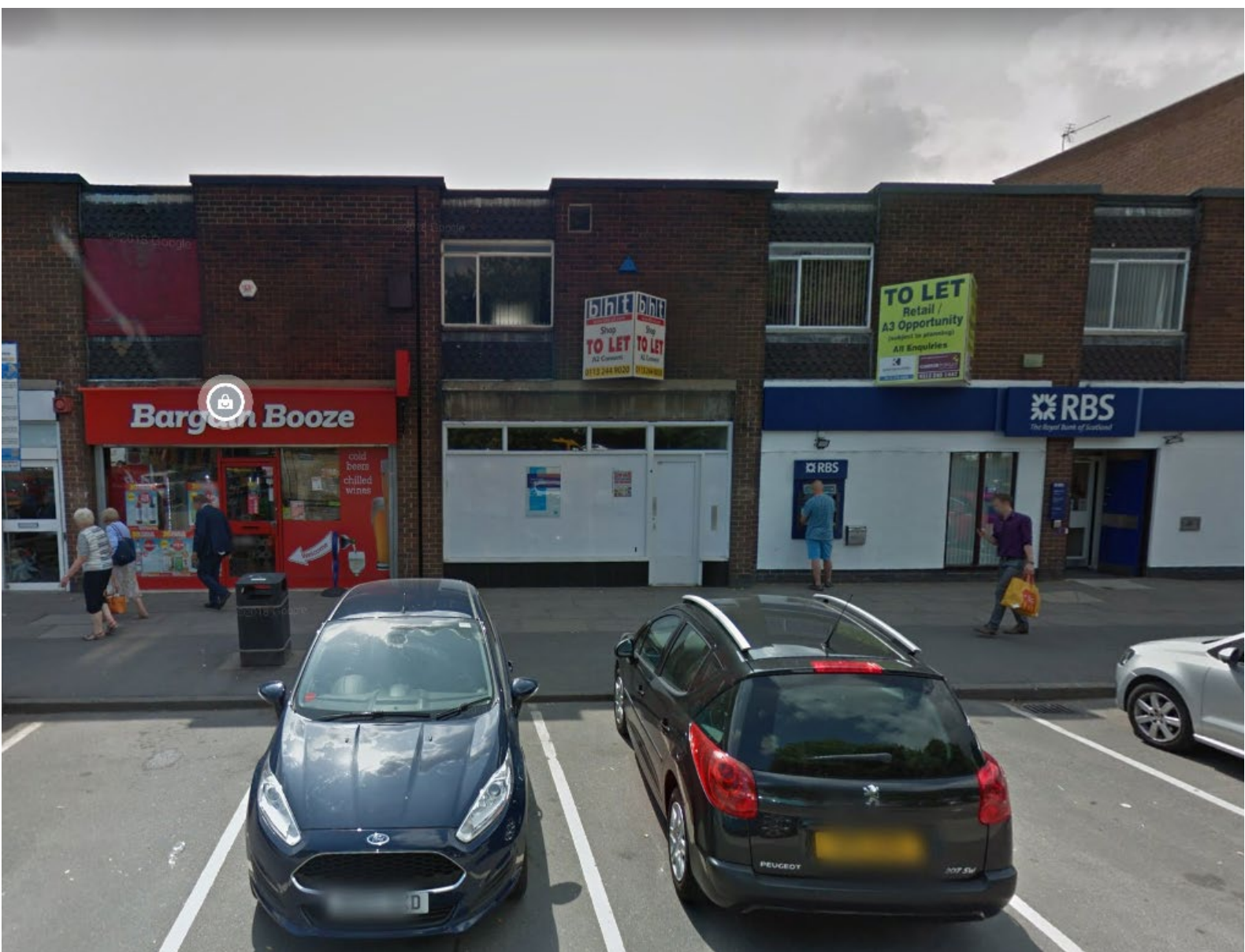
Notes:

- 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.









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


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

I/We FIKA COFFEE LOUNGE

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 212 BAWTRY ROAD WICKERSLEY			
Post town	ROTHERHAM	Postcode	S66 1AA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£20,250	

Part 2 - Applicant details

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

- | | |
|--|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability) | <input checked="" type="checkbox"/> please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |

APPENDIX 2

- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☐
- I am making the application pursuant to a statutory function or ☐
- a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
-----------------------------	------------------------------	-------------------------------	-----------------------------	--------------------------------	--

APPENDIX 2

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

(B) OTHER APPLICANTS

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

Name FIKA COFFEE LOUNGE
Address 212 BAWTRY ROAD WICKERSLEY ROTHERHAM S66 1AA
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) PARTNERSHIP
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]@fikacoffeelounge.co.uk

Part 3 Operating Schedule

APPENDIX 2

When do you want the premises licence to start?

DD		MM		YYYY			
1	6	0	8	2	0	2	1

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)
 A coffee lounge providing food and refreshments, serving alcohol on the premises as an accompaniment to meals whilst seated in one of our seated areas. The business is situated within a collection of businesses with parking for cars in front. There is an off licence business to the side of us and several eating establishments within the same block. Wickersley has several licenced premises (Bars) which are situated on the opposite side of the main road (See map) and not directly near us.

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

APPENDIX 2

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

APPENDIX 2

A

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

APPENDIX 2

B

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

APPENDIX 2

C

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

APPENDIX 2

D

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

APPENDIX 2

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) We may hold special organised events where live music would be played. These would be ticketed events and amplified. We would ensure the noise level would be kept within reason not to disturb surrounding properties.		
Mon	8.00	23.00			
Tue	8.00	23.00			
Wed	8.00	23.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur	8.00	23.00			
Fri	8.00	23.00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	8.00	23.00			
Sun	8.00	23.00			

APPENDIX 2

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Recorded music will offer background music and not played loudly, this would not be heard by surrounding properties.		
Mon	8.00	23.00			
Tue	8.00	23.00			
Wed	8.00	23.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	8.00	23.00			
Fri	8.00	23.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	8.00	23.00			
Sun	8.00	23.00			

APPENDIX 2

G

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

APPENDIX 2

H

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

APPENDIX 2

I


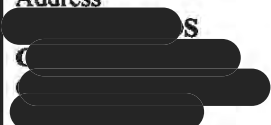
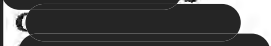
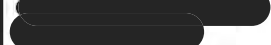

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
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 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 consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11.00	23.00			
Tue	11.00	23.00			
Wed	11.00	23.00			
Thur	11.00	23.00			
Fri	11.00	23.00			
			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 6)		
Sat	11.00	23.00			
Sun	11.00	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 REBECCA GUEST	
Date of birth 	
Address   	
Postcode	
Personal licence number (if known) RM1757	
Issuing licensing authority (if known) ROTHERHAM	

APPENDIX 2

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)			
Day	Start	Finish				
Mon	8.00	23.00				
Tue	8.00	23.00				
Wed	8.00	23.00				
Thur	8.00	23.00			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)	
Fri	8.00	23.00				
Sat	8.00	23.00				
Sun	8.00	23.00				

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)

We have operated a business for the past twenty years in the Leisure industry (Simply Skate Arena, Rotherham) and have always followed strict guidelines and practices to ensure the safety of our customers. We use training programs to ensure the staff follow health and Safety protocol and offer ongoing training in first aid, health and Safety and Fire prevention. We use daily record sheets and check lists to support this. We will bring our knowledge and practices to this business to create a safe environment for our customers and surrounding public.

b) The prevention of crime and disorder

The business will be fitted with CCTV which will cover both the interior and exterior of the property.

c) Public safety

Our full time staff are all First Aid trained and full training is given in all Health and Safety practices including Fire Prevention.

d) The prevention of public nuisance

CCTV and staff training in observation to ensure customers are seated in all areas. Although we are applying for a licence to open every evening we will only take private bookings for evenings and special events organised by ourselves.

e) The protection of children from harm

APPENDIX 2

Our full staff will have DBS forms.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☒ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

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

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

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

APPENDIX 2

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	16 th July 2021
Capacity	Business Owner & Personal Licence Holder.

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	


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

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:

APPENDIX 2

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	14th JULY 2021
Capacity	

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for


APPENDIX 2

APPENDIX 2

Consent of individual to being specified as premises supervisor

I REBECCA GUEST*[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

PREMISES LICENCE*[type of application]*

by

FIKA COFFEE LOUNGE*[name of applicant]*

relating to a premises licence

[number of existing licence, if any]

for

212 BAWTRY ROAD,
WICKERSLEY,
ROTHERHAM
S66 1AA*[name and address of premises to which the application relates]*

APPENDIX 2

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

REBECCA GUEST

[name of applicant]

concerning the supply of alcohol at

FIKA COFFEE LOUNGE
212 BAWTRY ROAD,
WICKERSLEY,
ROTHERHAM
S66 1AA

[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

RM1757

[insert personal licence number, if any]

Personal licence issuing authority

ROTHERHAM

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print)

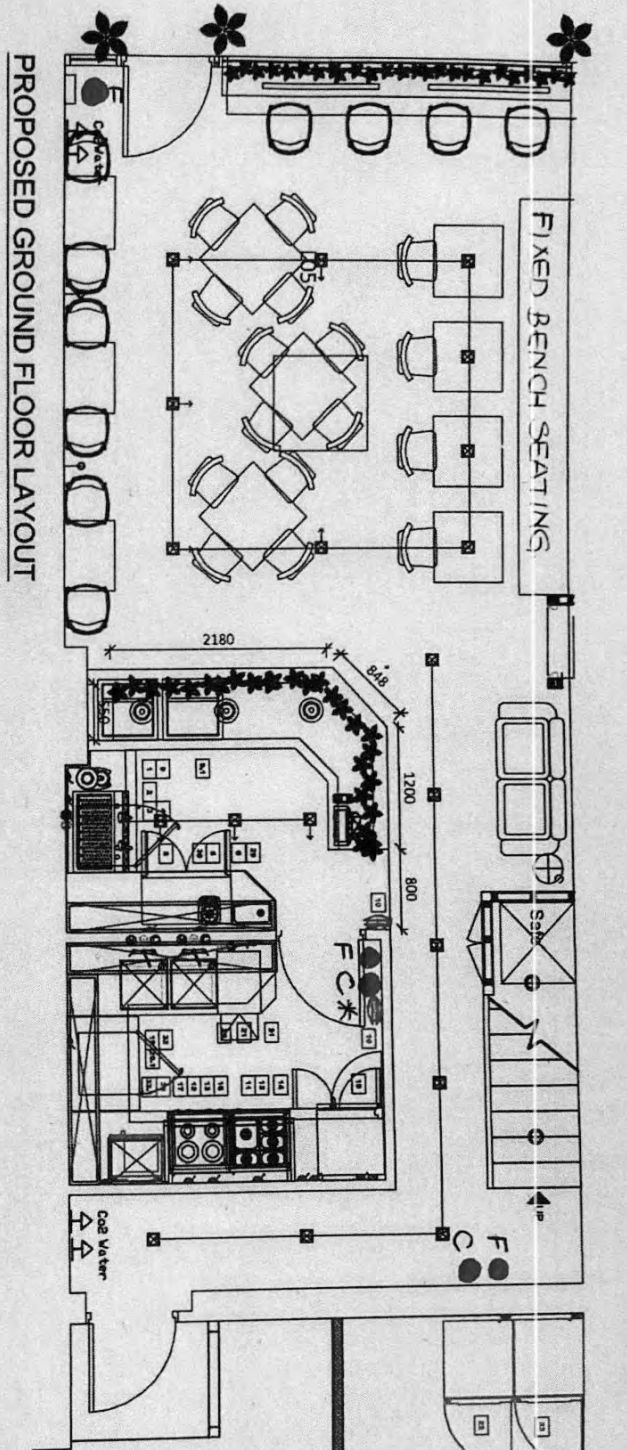
REBECCA GUEST

Date

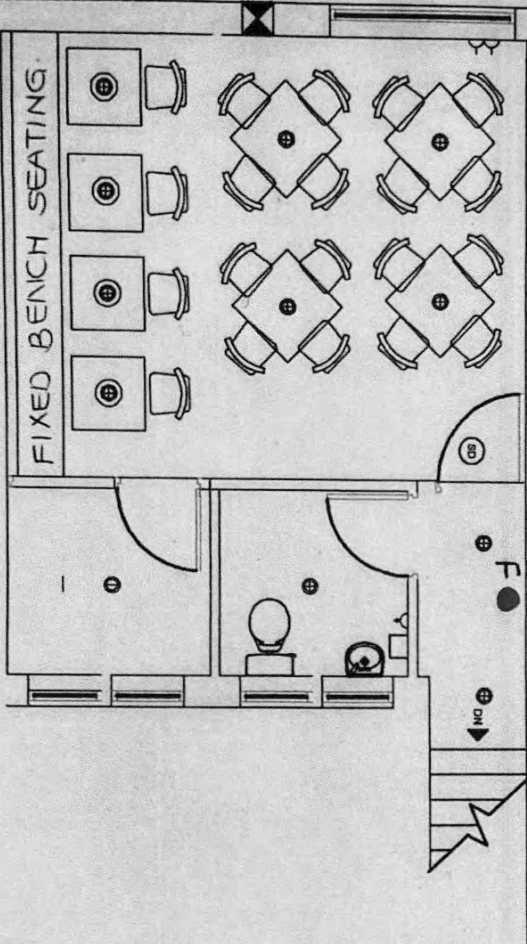
16th July 2021

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APPENDIX 2



PROPOSED GROUND FLOOR LAYOUT



PROPOSED FIRST FLOOR LAYOUT

- F ● = FOAM EXTINGUISHER
- C ⊗ = CO2 EXTINGUISHER
- * FIRE BLANKET IN KITCHEN AREA.

Fixed Coffee Lounge

Ref	Date	Description
1.	28.04.21	Initial design and layout of the building and its contents.
2.	28.04.21	Design of the building and its contents.
3.	28.04.21	Design of the building and its contents.
4.	28.04.21	Design of the building and its contents.
5.	28.04.21	Design of the building and its contents.
6.	28.04.21	Design of the building and its contents.
7.	28.04.21	Design of the building and its contents.
8.	28.04.21	Design of the building and its contents.
9.	28.04.21	Design of the building and its contents.
10.	28.04.21	Design of the building and its contents.

Site location: Station Building St
212 Station Road
Widnes
S98 1AA

Drawing Title: Proposed layout

Drawing No.: A81001

Date: 22/04/2021

Drawn by: AS



X 2

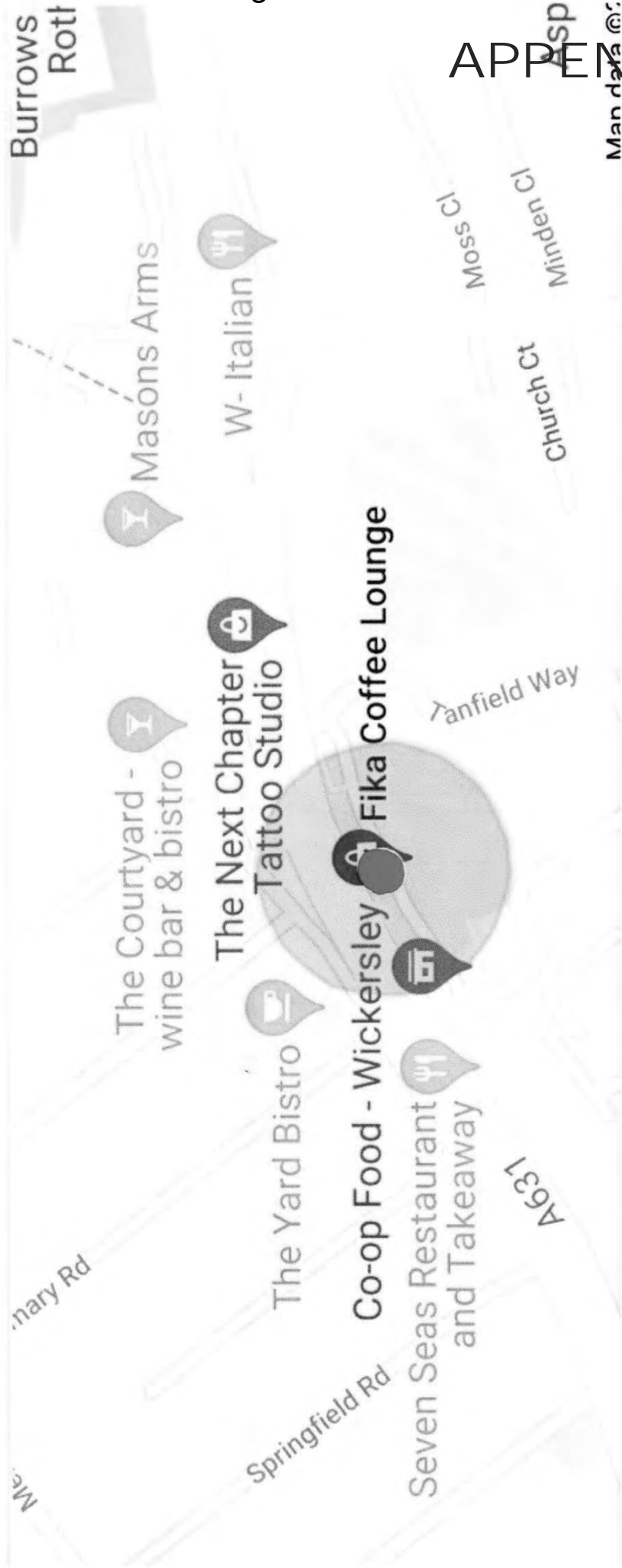


APPENDIX 2

a coffee lounge

Top-rated

MORE FILTERS



APPENDIX 3

Application for a premises licence in respect of Fika Coffee Lounge 212
Bawtry Road, Wickersley S66 1AA.

Licensing Authority proposed conditions.

1. The premises shall operate primarily as a coffee shop/restaurant. The sale of alcohol without food will always remain as an ancillary part of the main use of the premises as a coffee shop/restaurant.
2. The premises will not operate exclusively as a bar.
3. After 18.00hrs the premises licence holder shall ensure admittance to the premises is as part of a pre-booked event or group booking. No customer shall be permitted to enter the premises after 18.00hrs unless part of the pre-booked event.
4. Customers shall not be permitted to take vessels containing alcoholic products into the premises, and no open vessels containing alcoholic products shall be allowed to be taken from the premises.
5. The licence holder shall ensure that consumption of alcohol does not take place within the customer car parks and is contained to the inside of the premises as defined on the plan.
6. The licence holder shall ensure that no promotional offers on prices of alcohol are offered.
7. All staff involved in the sale of alcohol shall receive training in underage sales, serving to persons in drink and how to deal with abusive and aggressive customers.
8. Staff refresher training shall take place on an annual basis and be recorded.
9. 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.
10. 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.
11. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.
12. 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 refusal, staff member challenging the sale and identification checked.

APPENDIX 3

13. This register shall be checked by the premises licence holder, DPS or suitable trained nominated member of staff on a weekly basis and signed.
14. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.
15. The premises licence holder shall adopt an age verification scheme which incorporates Challenge 25.
16. A CCTV system shall be installed at the premises which has 28-day recording and retrieval and be capable of downloading onto a portable storage device such as DVD or memory stick.
17. The CCTV cameras shall cover the entire premises, including the till area where payment is made for alcohol and all areas in which members of the public have access. 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.
18. 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.
19. Customers shall be reminded by way of clear and prominent notices at the entrance/exit door to please leave the premises quietly and have consideration for any neighbouring residential or business properties.
20. The licence holder shall undertake a risk assessment of the premises to determine whether door supervisors shall be required.
21. No external speakers shall be fixed to the exterior of the premises.
22. 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.
23. 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 4

REPRESENTATION BY WICKERSLEY PARISH COUNCIL TO LICENSING APPLICATION FOR FIKA COFFEE LOUNGE, 212, BAWTRY ROAD, WICKERSLEY

A licensing application has been sought for proposed premises to be known as Fika Coffee Lounge within the Tanyard shopping centre of Wickersley. These premises are currently vacant with planning consent granted in 2020 for change of use to a restaurant/cafe.

The application seeks a license to supply alcohol on the premises from 11:00 to 23:00, 7 days a week as well as play live and recorded music from 8:00 to 23:00.

Rotherham MBC has adopted a Cumulative Impact Policy for the whole of Wickersley in recognition that the area is suffering from a high concentration of restaurants and bars in the village centre which has resulted in a number of adverse effects being experienced by the local population so far as 3 of the licensing objectives are concerned. These relate to excessive drinking and lack of capacity to move people from the area when the premises close; public nuisance through late night noise and disturbance, litter, broken glass etc; crime and disorder through higher crime associated with the late night economy and anti-social behaviour impacting in particular on the higher than average elderly population in Wickersley. There is therefore now a presumption against granting any further license unless the applicant can demonstrate that their proposal will not further add to the impact already being felt from the existing licensed premises in Wickersley.

There are already 11 licensed premises within Wickersley, 7 of which are restaurants (often with bars) and 4 drinking establishments representing 14% of the units within the village centre (79 commercial units in total). Furthermore, a further 3 former retail units are in the process of being converted to a restaurant (Seasons) having been granted a license after the Cumulative Impact Policy was adopted. Planning consent has also been granted recently to change an existing restaurant to a bar (The Garrison). Whilst that property already has a license to sell alcohol, the change of use to a drinking establishment with additional outside seating will significantly intensify the use of what was previously a low key cafe/restaurant.

All of these factors mean that Wickersley Parish Council are very keen to ensure that no additional alcohol licenses should be granted unless the applicant can very clearly demonstrate that there will be no additional adverse impact on the local community and that the conditions imposed on the license can ensure that to be the case.

The license application submitted for Fika Coffee Lounge does not currently provide sufficient information to satisfy the Parish Council that there will not be additional adverse impact from the premises and therefore wish to object to the granting of the license for the following reasons:

- The application states that the premises are to operate as a coffee lounge providing food and refreshments, serving alcohol on the premises as an accompaniment to meals while seated in one of the seated areas. However, there is a business in Rossington called Fika Coffee and Wine Lounge which we assume is also operated by the applicants and where the serving of alcohol is not always ancillary to a food offer but somewhere that customers might go in the evening just for a drink.
- The application states that it is only intended to open in the evenings for private bookings and special events organised by themselves. It says this could include special ticketed

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events where live amplified music could be played. In the view of the Parish Council such events could be attended by large groups of people drinking significant amounts of alcohol with the potential to cause noise and disturbance when leaving the premises late in the evening, as well as the potential for anti-social behaviour. It is therefore not considered acceptable for the premises to provide private bookings or special events because this will inevitably add to the existing adverse impacts.

Wickersley Parish Council consider that the applicants should be invited to address these concerns and to fully set out the business model they intend to operate at these premises.

The Parish Council consider that it would only be acceptable to grant a license for these premises if they operate solely as a cafe/restaurant with alcohol served only to those seated and ancillary to a meal. It is considered that if customers visit the premises largely to drink alcohol rather than to eat then this would undoubtedly result in people leaving the premises intoxicated and would therefore exacerbate the issues already being experienced from the large number of licensed premises within Wickersley.

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Dear Sir or Madam,

I write in support of this application.

Wickersley thrives because it has to date always managed to adapt to changing times. It must continue to do so, and changes to the uses of the commercial premises in the village centre are an important part of that process.

Everyone is familiar with the trend away from face-to-face goods retail and financial services, and towards online alternatives. There are however certain types of service that only work face-to-face, and Wickersley has embraced many of these, notably hair salons, beauticians, and even a tattoo parlour; but principally eating and drinking establishments, which have proliferated and diversified over recent years. This trend has ensured that premises that would otherwise have been void have in fact been productive, maintaining the street scene and the vibrancy of the village centre, and providing jobs for local people and a revenue stream for the landlords. There is a certain 'buzz' about the village centre nowadays, which has arisen as Wickersley has transformed from a place where people just undertook chore activities to one in which they also socialise, and the eating and drinking establishments have been vital to this progress. I am aware that there are some who hanker for the 'old days', but we cannot recreate the past, and I do not suppose that there is more than a small minority who would even want to.

Fika Coffee Lounge will add to the diversity of Wickersley's eating and drinking scene. Its near neighbours, the Elif Turkish restaurant and the Bollywood curry house, have been assets to the village for some years, and a coffee lounge licensed for alcohol and music will be another 'good neighbour' eating and drinking establishment with a distinctive theme that differs from those of the established businesses.

In specific regard to the licensing objectives, the applicants seek to run what is in effect Starbucks with the addition of music and cocktails, at a small scale.



- There is no apparent reason why such an establishment would attract crime or disorder: it would merely be a place where people would partake of beverages and light meals, and its proposed layout is focused on the notion of small groups eating, drinking and socialising while seated at tables. It is very far removed from the 'beer barn' concept, which is widely and rightly considered to be an antisocial type of establishment.
- It follows that if the premises are inconducive to criminal or disorderly conduct, then there is no expectation of nuisance or threats to public safety. In the particular case of noise nuisance associated with amplified music, there exist enforcement measures in the event of breaches of conditions, and coffee lounges are not in any case generally associated with loud music.
- It is not unusual for small groups of youths to meet socially in coffee lounges. Where this happens, it would be incumbent on the staff to provide a degree of supervision and to ensure that no alcohol was served to minors. The latter policy would in any case be required of the staff as a condition of an alcohol licence. It may indeed be argued that a group of youths socialising in a well-managed coffee lounge would be at less risk of harm than one doing so on the street, and in this respect the applicants may in fact be proposing to enhance the protection of children.
- Alcohol licences are revocable in the event that the licensing objectives are not met. The Licensing Board therefore has effective sanctions if harms ensue from the grant of an alcohol licence.

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- It is reasonable to suppose that Fika Coffee Lounge would make no negative impact in regard to the licensing objectives, or at least no measurable negative impact. This being the case, the cumulative impact zone policy that applies in Wickersley would not come into scope.

I thank you for your attention and ask that, after all due consideration, the requested licences be granted.

Best regards,


Gillott Lane,
Wickersley,
ROTHERHAM,


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Rotherham Metropolitan Borough Council

Cumulative Impact Policy 2020-2023

Licensing Act 2003

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Background

The concept of Cumulative Impact has been included within Section 182 Licensing Guidance issued by the Home Office since the implementation of the Licensing Act 2003.

The Licensing Act regulates the sale of alcohol, late night refreshment and the provision of entertainment. Section 5 of the Act requires licensing authorities to publish a Statement of Licensing Policy every five years (amended by the Police Reform and Social Responsibility Act). This Statement of Policy sets out the Council's framework in regulating the trade.

The Council's Statement of Licensing Policy has been reviewed and consulted upon between June 2019 and March 2020. A reviewed policy was introduced in June 2020.

The Policing and Crime Act 2017 gave Cumulative Impact a statutory basis and this is now included in primary legislation. A licensing authority may publish a 'cumulative impact assessment' stating that it considers that the number of premises licenses or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in that area and restrict changes to licensable activities of existing licenses.

The inclusion of cumulative impact within primary legislation gives licensing authorities a prescribed method for implementing cumulative impact assessments and provides guidance for the level of evidence required for an assessment to be successfully included and upheld. This part of the Act was commenced in April 2018, alongside revised Section 182 Guidance issues to licensing authorities.

Prior to this change in legislation, the Council had not published a Cumulative Impact Policy. However, as this is now part of primary legislation, the Council believes this is the correct time to identify any areas that may benefit from the introduction of a Cumulative Impact Assessment.

Any cumulative impact assessment must set out the evidence for the authority's opinion, must be consulted upon before it is published, must be reviewed every three years as a minimum, and any review must be consulted upon and any revisions must be published alongside an evidence base.

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Implementing a Cumulative Impact Assessment

Publishing a cumulative impact assessment sets a strong statement of intent about the approach that will be taken when considering applications for the grant and variation of premises licenses or club premises certificates in the area described. The Council will have regard to the assessment when determining or revising the Statement of Licensing Policy, as well as when making determinations alongside the Section 182 guidance.

Any cumulative impact assessment does not change the fundamental principles of which licensing decisions are determined and the Council reserves the right to grant an application where it is appropriate and demonstrates through the operating schedule that the applicant would not add to the cumulative impact of the area in which they are applying.

However, the Council would expect an applicant to consider the potential cumulative impact of their licence on local issues when setting out the steps that will be taken to promote the licensing objectives. An applicant must be able to demonstrate to the Council and other responsible authorities that granting a new or varied licence will not add to the cumulative impact already being experienced within the area.

This policy does not create a ban on the grant of licenses within the assessed zone and the Council can only consider cumulative impact to refuse an application if one or more relevant representations are made. Where no representation is received, the Council must grant the licence, as stated in the Licensing Act 2003.

Therefore, a cumulative impact assessment does not reduce the onus placed on responsible authorities, local residents or residents' groups in making representations where they consider this necessary in order to uphold and promote the licensing objectives. This policy gives a basis of information which can be used when making a representation; a representation can be made just on the fact that an assessment has been published. Any person making a representation must be able to demonstrate that the representation withstands the scrutiny which it will be subjected to at a Licensing Committee, or sub-committee meeting.

The obligation to demonstrate that the application is suitable for the area is placed onto the applicant. An applicant must suitably evidence that their proposal will not add to the cumulative impact within the area. To assist this process, the Council recommends early consultation with responsible authorities. This can be achieved separately with each responsible authority, or through the Council's Licensing service.

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Evidencing a Cumulative Impact Assessment

This Cumulative Impact Assessment has been carried out in accordance with Section 5a of the Licensing Act 2003.

A large variety of data has been included for analysis within this policy, to evidence the need for a Cumulative Impact Assessment. The following methods and data have been included in this policy:

Public Health Licensing Toolkit:

As a responsible authority, Public Health has a meaningful contribution to make to licensing decisions. However, as health is not explicitly mentioned as part of any licensing objective, it is challenging for Public Health to fully engage with licensing decision making. However, the Council believe that Public Health has an important role to play within Licensing and should be encouraged to influence the process, within the boundaries of the legislation.

One way in which Public Health are now able to input into licensing decisions is through a 'toolkit', which uses a wide range of data from responsible authorities, including public health. This toolkit has created a rating system of each Lower Super Output Area (LSOA) within the borough to inform decision makers of the 'risk rating' associated to the location of any application.

The data sources included have been chosen due to their relevance to the licensing objectives, alongside contextual factors such as health data which allows decision-makers to understand the wider implications of granting an application within certain areas. All responsible authorities, as well as the public, will have access to this toolkit and can use it when deciding to make a representation against a licence, or when negotiating appropriate licensing conditions.

This toolkit is in-line with recommendations made by Public Health England.

Police and Crime Data:

South Yorkshire Police publish crime data monthly through the police data portal (data.police.gov.uk). This data has been used alongside confidential intelligence reports shared between the police and its partner agencies, including the Council. These reports focus on specific areas and give further information and analysis around particular areas and its associated crime.

All crime data records offence type, location, date and time which has been used to analyse crime statistics within the borough. Although a borough-wide assessment has been undertaken, only relevant information to the Cumulative Impact Assessments

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undertaken has been included within this report. This is partly due to the sensitive nature of some crime statistics and some of these are not able to be published. Further information is available through the Licensing Service if needed.

Community Protection and Regulation Data:

Data provided by the Community Protection and Regulation service was focused on noise complaints which are recorded by the Environmental Health unit. This data stores information regarding every noise complaint which is sent to the Council, alongside the case information which is updated as and when the Council assess the complaint received.

Public Consultation:

In June 2019, the Cabinet took the decision to undertake a two-stage consultation process in reviewing the Licensing Act 2003 Statement of Licensing Policy. The first stage of this consultation focused on broad issues to help guide the focus of the revised policy and gauge the local position in terms of licensing issues.

As part of the first stage of consultation, members of the public were invited to engage with the Council to highlight particular areas where the number or density of licensed premises were causing an issue which may undermine the licensing objectives. Officers also attended six drop-in sessions across the borough in areas where there are a high number of premises and statistically, higher levels of issues associated to licensed premises such as anti-social behaviour. This consultation survey received 70 responses whilst approximately 50 residents attended drop-in sessions, although 80% of those residents attended the session in Wickersley.

A further consultation period occurred between January and February 2020 which asked specific questions regarding Cumulative Impact Assessments and the issues associated to a large number of licensed premises. The survey received 41 responses whilst approximately 40 residents attended drop-in sessions, although all but two of these residents attended the session in Wickersley.

An assessment of the above data brought to attention two main areas of interest in regards to Cumulative Impact. These are:

1. Rotherham Town Centre
2. Wickersley

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These became areas of focus after the first stage of consultation and other areas should be considered out of scope for the remainder of this policy. However, this could be reviewed at a later stage if further evidence became apparent.

Rotherham Town Centre:

Rotherham Town Centre is the largest urban centre within the borough.

The data provided through the consultation process shows that crime, anti-social behaviour and environmental health rates are at their highest in this area and that there could be links between these statistics and licensed premises, although this does reflect the town centre being the largest urban centre in the borough.

The Council is looking to encourage responsible licensable activity within the Town Centre to create a thriving and bustling historic market town as part of its ambition set out in the Town Centre Masterplan. This vision relies on diversifying the offer within the Town Centre, creating new leisure and entertainment venues incorporating places to eat out, as well as bars and cafes. Currently, the density of licensed premises in the centre is decreasing, meaning that CIA may have very little use.

The focus on improving licensed premises in the town centre should focus on those premises that are already licensed. There are a number of measures in place to improve the centre, including a Public Space Protection Order, alongside significant resource deployed by responsible authorities.

Currently, the Council believe that the Town Centre would not benefit from a Cumulative Impact Zone. Taking a decision to implement a zone may detract from the overarching ambition of regenerating the Town Centre and attracting new businesses, increasing footfall and diversifying the current offer. However, this decision will be regularly reviewed and amended if the licensing objectives are being undermined within the town centre.

The Town Centre Masterplan also focuses on improving the residential offer which could mean that a Cumulative Impact Assessment may be relevant in the future.

Wickersley:

Wickersley is a village which is situated on the urban fringe of Rotherham town centre. Although the village is well served by road, with direct links to the M1, M18 and A1(M) motorways, it is a settled, residential community with distinct heritage and associated characteristics. It has a population of approximately 8,000 people, with 23% of people aged over 65 (compared to an average of 19.4%), whilst having significantly less young people than the borough average, at just 26% aged under 24, compared to an average of 29.2%.

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There are currently nineteen premises within Wickersley. In total, sixteen premises are located along a 300 metre section of Bawtry Road, with all nineteen located within a 350 metre radius of one another. Of these nineteen premises, ten are on-licensed drinking establishments.

In recent years, Wickersley has become an urban centre with a significantly increased range and number of licensed premises. The area attracts a large amount of people from across the borough and surrounding areas of South Yorkshire. Currently, the density of premises within Wickersley West LSOA is 37.6 premises per square kilometre (pkm²). Across the broader Middle Super Output Area (MSOA) of Bramley and Wickersley, the average density is 12.7 pkm², whilst the average across the borough is 2.2 pkm². The MSOA covering Rotherham Town Centre has a density of 23.6 pkm², which suggests that proportionately, Wickersley's evening economy is the busiest within Rotherham.

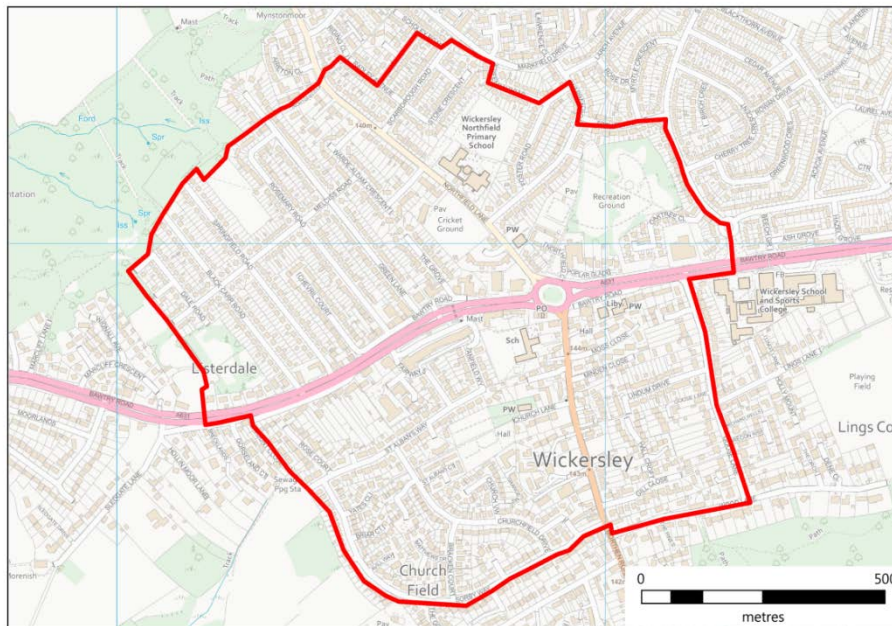
However, the centre does not have the required infrastructure to deal with a large and sustained night-time economy, and the current number of licensed premises is negatively impacting the largely residential properties that are in close proximity to designated retail space.

There are less resources designated to Wickersley currently by the responsible authorities to deal with the impacts of licensed premises, which maximises the impact of these premises on those who live there.

The Council believes that the number of licensed premises within Wickersley is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licenses or certificates in the area, and restrict any changes to licensable activities of existing licences.

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Wickersley Cumulative Impact Assessment



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The Wickersley Cumulative Impact Zone (CIZ) is situated in the centre of Wickersley and covers parts of both the Wickersley and Hellaby wards. Bawtry Road acts as a boundary between the two wards and this runs throughout the zone. The CIZ is related to the sale of alcohol for consumption on, or on and off the premises, including premises such as, but not limited to, pubs, bars, late night opening restaurants and clubs. The CIZ is saturated with premises of these types.

This zone has been selected by overlaying current premises, LSOA boundaries, local plan data, crime, anti-social behaviour, noise complaints and areas which were raised by residents through consultation. The zone is the outcome of this analysis.

Whilst each individual premise may comply with their licence conditions, and where problems are found they can be dealt with through action plans, or subsequently a review of the licence, this particular zone has become saturated as new businesses open, or existing businesses vary the use of a particular premise.

The Council considers the number of premises licences or club premises certificates is at such a level that it would be inconsistent with the promotion of the licensing objectives to grant any further licences or certificates in the Wickersley Cumulative Impact Zone, and to restrict changes to licensable activities of existing licenses.

Therefore, it is the Council's policy on receipt of relevant representations that applications for the sale of alcohol for consumption on, or on and off, the premises will be refused, unless the applicant can show that their licensed premise would not increase the impact of such premises on the zone, as described in this assessment.

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To set out the Council's opinion, evidence has been gathered from the responsible authorities and residents. This data has been divided into the four licensing objectives.

1. Public Safety

The Public Safety licensing objective concerns the physical safety of people whilst within the vicinity of licensed premises. This includes both the prevention of accidents and the immediate harms that can result from alcohol consumption, such as alcohol poisoning.

Alcohol-related ambulance call-outs are ranked a 'medium' risk within Wickersley West LSOA (where 16 of the 19 licensed premises within Wickersley are located). Between 2016 and 2018, there were 50 ambulance call-outs which were directly related to alcohol. The high level of alcohol-related call outs indicates that those who come to the area can drink excessive amounts, sometimes across a number of premises which leads to a medical emergency such as alcohol poisoning. Wickersley West is in the top quartile of LSOAs across Yorkshire and the Humber which does not reflect the demography of the area.

Furthermore, the Council believe that the setting of Wickersley centre on either side of the A631 (Bawtry Road) should also be considered when assessing public safety, as this is a busy road which links the M1 and M18, as well as Rotherham town centre with outlying urban areas. The density of premises within the area often leads to people, who may be intoxicated, walking between multiple premises within an evening, which is dangerous due to the proximity of this A-road. Between 2018 and 2019, three road traffic collisions were recorded within the Cumulative Impact Zone. Two of these incidents happened at a weekend whilst the other occurred at 22:15, which broadly matches what would be expected from a night-time economy.

Public safety also concerns the safe departure of those using the premises. Currently, there is one agreement in place between a licensed premise and a private hire operator, which has an operator base within its car park. Apart from this, there are not any permanent transport options in Wickersley which would meet the demand of a night-time economy such as a taxi rank, late night bus network or railway station. Although individual premises may advertise private hire companies to their customers, as well as a small number of Hackney Carriages who may ply for hire on side streets, this does not give an adequate and sustainable capacity to move people from the area when premises close. This correlates to the temporal analysis of crime which shows a peak between the hours of 2300-0200. This trend, especially when dealing with offences categorised as anti-social behaviour, suggests that when people are leaving premises, they are not leaving the area immediately, which may be due, in part, to a lack of suitable transport.

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2. Prevention of public nuisance

When considering the licensing objectives, the Council and responsible authorities should focus on the effect of licensable activities on any person living and working in the area around the premises, which may be considered disproportionate and unreasonable. This will usually concern noise nuisance, light pollution, noxious smells and litter.

Although not given a statutory definition in the Licensing Act 2003, it covers anything which may be considered to reduce the living and working amenity and environment of persons living and working in the proximity of premises. It may also cover the impacts of licensed premises where they are prejudicial to the health of residents.

Within Wickersley, there are two key areas of concern which fall under this licensing objective. Many residents cited noise nuisance from premises as a key issue in the area, alongside issues with street scene such as broken glass, fouling and vomiting.

The Council's Environmental Health team record noise complaints and those concerning licensed premises within Wickersley between January 2016 and present have been analysed below:

Complaint Month	Number of Complaints
January	1
February	1
March	3
April	2
May	7
June	3
July	3
August	19
September	1
October	0
November	2
December	0
Total	42

Complaint Type	Number of Complaints
Bank Holiday	4
Music	27
Noise	11
Total	42

Complaint Day	Number of Complaints
Monday	4
Tuesday	1
Wednesday	1
Thursday	0
Friday	4
Saturday	15
Sunday	2
Total	27

From 2016, forty-two noise complaints were made about licensed premises within Wickersley. Of these, twenty-seven related to a particular date, of which twenty-one occurred between Friday night and Sunday night. A further four issues were identified on a Bank Holiday Monday. The number of complaints was highest in summer months, with August being the peak month for reports of noise nuisance.

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Levels of noise complaints have decreased between 2016 and 2019. 2016 saw a peak of complaints (17), followed by two static years (11, 11). However, complaints decreased sharply in 2019 (3). Although this clearly shows that some premises are dealing with real concerns from residents, it also reflects that residents do not feel empowered to report noise complaints against licensed premises as they do not feel as though these complaints have been remedied in the past. This view was aired multiple times through meetings with residents, who believed that their concerns were not being dealt with seriously.

In a resident's session in October 2019, noise was still the largest concern of residents, but many said that they did not feel that the current systems in place could deal with noise issues from premises. Residents cited three main areas of concern:

1. Outside drinking and live music in gardens and terraced areas in summer months
2. Noise from customers leaving premises and staying in the area after licensed times
3. Noise from premises staff after licensed hours, such as continuing to play loud music or emptying glass bins outside.

Although the Council understand that these issues are not breaching individual licence conditions, the impact of the noise of several premises to residential properties within close proximity has a detrimental and consistent negative impact. This is intensified in summer months when multiple events happen in the same evening, or when multiple premises clean the outside of premises after licensable hours. This means that residents are not only being impacted to the early hours of the morning by the noise of a licensed premise, but also by other activities related to the running of a licensed premise through the night.

Another key issue raised under this licensing objective is the negative impact of licensed premises on the overall cleanliness and appearance of the community. Residents are very concerned at the amount of litter that is left in and around premises, which often includes broken glass. Further concern was raised around urine and vomit being present on streets, especially at a weekend, both of which are clearly linked to the use of licensed premises.

The Parish Council litter pick the centre of Wickersley daily and have been doing this for many years. Two 'handymen' are employed directly by the Parish to maintain the the village and although they cover the whole Parish, work is concentrated on the Tanyard area. Overall, three commercial waste bins are filled weekly.

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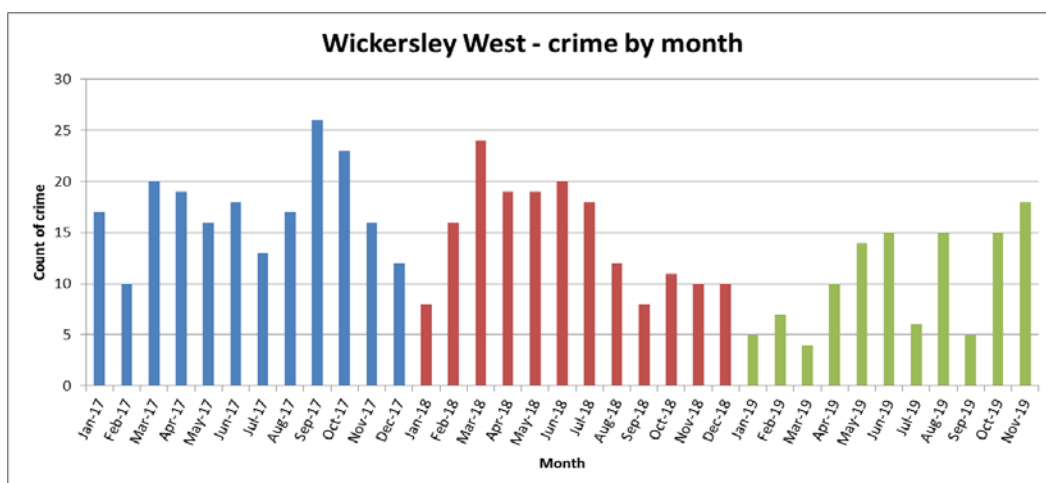
“There is a lot of waste which is particularly noticeable at the weekend. Our personnel work seven days a week and although they have been in post for several years, more litter has certainly been noticed in recent years”

Wickersley Parish Council Clerk

Nine residents of Wickersley cited litter, especially glass, as their largest concern and stated that “glass bottles or glasses are always left on walls outside” and that “establishments do not think they are responsible for picking up broken glass in the environment around them”. One resident cited that glass had been “thrown at their house and driveway by drinkers”.

3. Prevention of Crime and Disorder

This licensing objective relates to any disorder which takes place on or around premises, including offences such as anti-social behaviour, drug-dealing, theft and assault. South Yorkshire Police is the main partner agency who advises on these matters, although the Council also have teams in place to deal with anti-social behaviour and community protection. Data from both of these sources has been used when evidencing this section.



The previous three years of crime data for Wickersley West LSOA indicates that crime rates were consistently high in both 2017 and 2018. September 2017 had the highest number of crimes recorded within a month (26), followed by March 2018. There were sixteen months across the three year period where more than fifteen crimes were committed. In the six month period between February-July 2018, the crime rate stayed above this level continuously. On average, spring and summer months have higher levels of recorded crime across the period, although

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July 2019 does not correlate with this pattern. Winter months have much lower crime rates with January recording the lowest rate of crime in 2018, and second lowest in 2019. However, in 2017, this was not the case.

It is also of note that October and November 2019 have recorded significantly higher levels of crime than the same months in 2018 and that crime levels has increased since September, which has not been seen previously over the period.

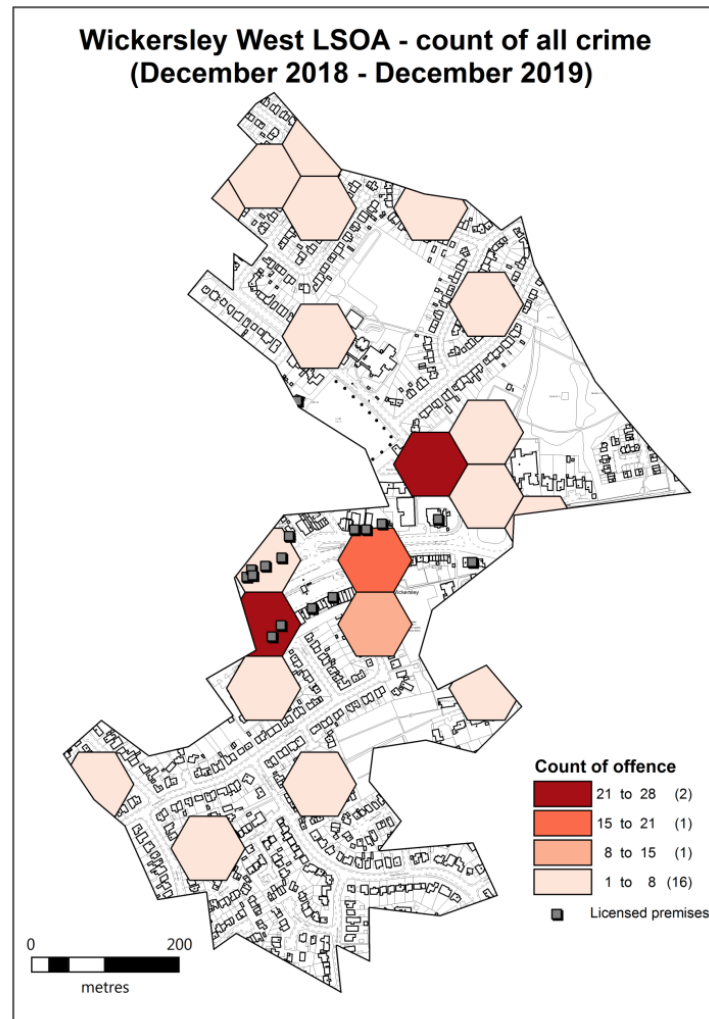
The most common crime committed between December 2018 and December 2019 were offences of a violent or sexual nature, which includes offences such as violence against the person, grievous bodily harm and sexual assault. This was followed by anti-social behaviour which consists of personal and environmental issues, as well as nuisance behaviour. Both of these offence types have a clear link to a night-time economy, or to those people who have visited a licensed premise before committing an offence.

Offence	Count
Violence and sexual offences	33
Anti-social behaviour	23
Shoplifting	14
Other theft	11
Criminal damage and arson	10
Public order	10
Vehicle crime	10
Burglary	8
Drugs	2
Other crime	1
Robbery	1
Theft from the person	1

Other offences listed which could be associated to a night-time economy are theft, public order, drugs and theft from the person. Taking all of these offences into account, 65% of all crime recorded in Wickersley West could be linked to the night-time economy within the area.

Further analysis of these crimes looks at the temporal and spatial distribution within Wickersley West, which is shown below.

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The hexagonal map divides the LSOA into 50 metre segments. There are three segments where more than fifteen offences took place within the past calendar year (December 2018 – December 2019). These are all situated alongside Bawtry Road within close proximity to licensed premises. The most prevalent hotspot is located just north of the junction where Northfield Lane joins Bawtry Road, where a total of 28 offences took place. There is a licensed premise located on this junction which may signify that a number of these offences were attributable to this premise.

Location	Count
On or near Willow Court	28
On or near Supermarket	24

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On or near Pedestrian Subway	15
On or near Tanfield Way	12

To assess the spatial distribution of offences further, street level data has been provided by the police. This shows that Willow Court, a large, age restricted housing scheme, located directly behind the largest capacity premises within the centre, has the highest recorded level of crime within the area. Each of the three other streets which had a count higher than 10 are all located on or perpendicular to Bawtry Road and are all within 75 metres of a licensed premise.

Hour	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
0000	7	2	3	6	3	6	8	35
0100	2	1	2	0	1	2	5	13
0200	2	2	0	1	2	4	2	13
0300	1	0	2	0	1	1	0	5
0400	0	1	0	0	0	0	0	1
0500	0	0	0	0	0	1	1	2
0600	1	0	0	2	0	1	0	4
0700	1	0	0	0	0	0	1	2
0800	1	2	0	1	0	1	0	5
0900	2	4	4	2	1	0	1	14
1000	3	2	1	2	1	2	2	13
1100	0	1	3	2	4	0	11	21
1200	5	2	4	6	5	2	1	25
1300	4	5	0	5	5	1	2	22
1400	1	3	0	3	2	3	1	13
1500	1	3	1	5	4	7	3	24
1600	5	8	2	3	1	4	1	24
1700	1	3	6	1	3	3	4	21
1800	3	3	4	4	1	2	4	21
1900	1	4	2	5	2	3	4	21
2000	2	4	1	2	1	1	3	14
2100	7	1	5	1	3	5	2	24
2200	3	4	7	2	5	4	2	27
2300	6	1	1	3	2	1	10	24
Total	59	56	48	56	47	54	68	388

Highest risk	
Moderately high risk	
Moderate risk	
Low Risk	

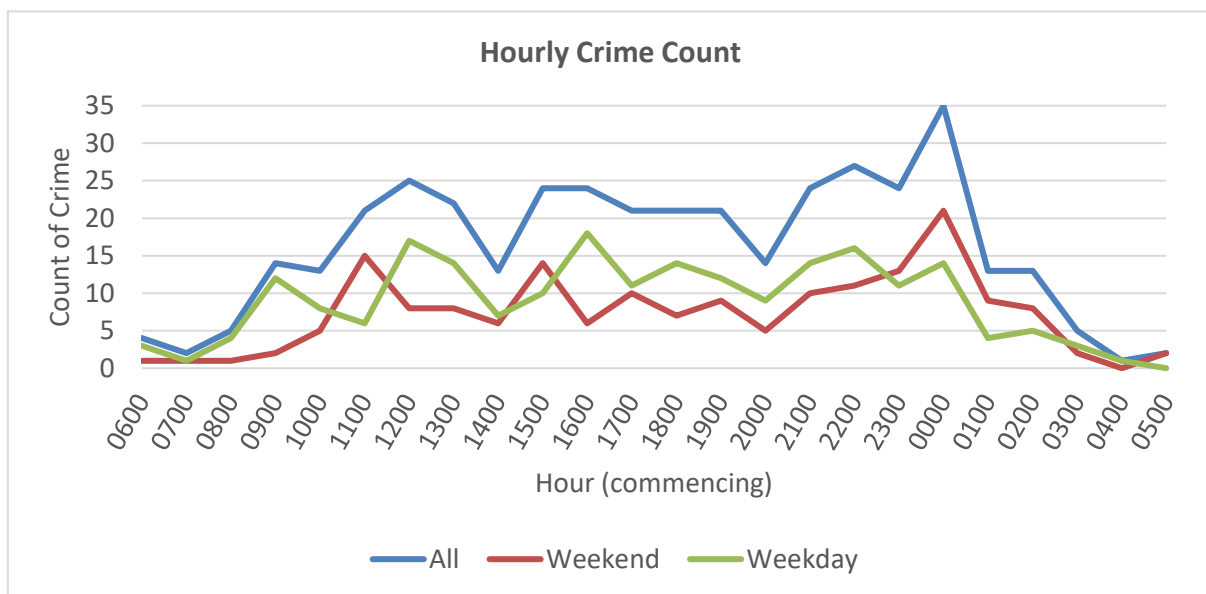
Temporal Analysis: Crime figures for Wickersley West and Wickersley South between January 2016 and December 2019. Included with the permission of South Yorkshire Police.

The temporal analysis above also shows a clear correlation to the night-time economy in Wickersley, with the main peak of offences taking place between 2100-0100. Within this four hour period, 28.3% of all crimes occurred. An increase

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of crime during these hours is common within an area that has a large night-time economy and coincides with the variety of licensing hours within the centre. Furthermore, the peak seen between these hours is magnified over the weekend (Friday 0600 – Monday 0600) which sees higher and more consistent peaks between 00:00 and 01:00, with a slower return to a base level, which takes until 03:00. The graph below demonstrates this point.

Seven of the eight 'highest risk' hours identified by the police are either between 2100-0100, or at a weekend. This also shows the impact of licensed premises and can be apportioned, at least in part, to the number of drinking establishments within the centre of the area.



The temporal analysis undertaken only includes reported crimes. Although unaudited, ASB data was also made available to the Council by the police which further exacerbated the peaks seen over the weekend, with peak levels of offending occurring again between 2100-0100 across the weekend. Although this data cannot be made available in this document, further information can be requested from the Licensing Service if required.

Although the Council recognise that crime levels have decreased in 2019, offences can have a disproportionate impact on the residents of Wickersley due to the large amount of residential areas within very close proximity to licensed premises. Furthermore, the demographic of Wickersley shows that there are more people aged 65 and older compared to the borough average, which increases the impact felt by residents due to crime and anti-social behaviour, especially for disturbance that takes place within the hours of a night-time economy.

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The concerns of residents were expressed through an online survey and residents meeting and some of these responses focused on feeling unsafe in the area where they live.

“People of all ages are scared to go out in the evening due to the amount of people drinking outside”.

“I would never go into the village from late-afternoon onwards. I do not feel safe”.

Furthermore, in its formal written response to the consultation, Wickersley Parish Council expressed a number of concerns, including the perception that residents are excluded from the night-time economy, partly due to crime.

“Wickersley has become out-of-bounds for many residents at weekends”.

4. Protection of Children from Harm

There is no evidence to show that this licensing objective is being undermined within the Cumulative Impact Zone.

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Conclusion

The assessment has been carried out in accordance with Section 5(a) of the Licensing Act 2003. The assessment has been published as the Council believe that the number of licensed premises within the area described in the assessment is such that granting any further licences, or varying existing licenses, would be inconsistent with the Council's duty under the Act to promote the licensing objectives.

Factors considered when granting applications in a Cumulative Impact Zone

When considering the presumption against granting or varying a licence in a CIZ, the Council must be satisfied that the applicant will not impact any further on the cumulative impact of existing licensed premises.

Applicants may suggest measures which they believe will demonstrate there will be no further impact from their premise. Examples that the Council may consider as demonstrating that there will be no further impact include:

- Small premises who operate outside of the peak hours of disruption, as described in the CIA.
- Premises which are not alcohol-led and operate during the day-time economy.
- Instances where a business is relocating to a new premise but retaining the same style of business.
- Conditions which ensure the premise will operate in a particular manner, such as a minimum number of waiting staff to secure a food-led premise.

Examples of factors the Council will not consider include:

- That the premise will be well managed and well run.
- That the premise will be constructed to a high specification
- That the applicant operates similar premises in other areas without complaint.

Any representation made which supports the grant of a licence within a Cumulative Impact Zone will also be taken into account by the Council.