

LICENSING SUB-COMMITTEE

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

Date: Tuesday 2 August 2022

Time: 2.00 p.m.

Meetings of the Licensing Sub-Committee can be viewed by live webcast by following this link:- <https://rotherham.public-i.tv/core/portal/home>

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the grant of a Premises Licence for East Herringthorpe Pub, Laudsedale Road, Rotherham S65 3LG (Pages 3 - 81)

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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.

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 2nd August 2022 (2pm)

Report Title

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the grant of a Premises Licence for East Herringthorpe Pub, Laudsedale Road, Rotherham S65 3LG

Report Author(s)

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

Report Summary

On the 13th June 2022, an application was made for the grant of a Premises Licence in respect of East Herringthorpe Pub, Laudsedale Road, Rotherham S65 3LG.

The applicant is seeking a licence to permit the retail sale of alcohol for consumption on and off the premises, the provision of indoor regulated entertainment (plays, films indoor sports events, live music, recorded music, the performance of dance and similar entertainment), and the provision of late night refreshment for consumption on and off the premises.

Following the submission of the application representations have been received from a local Ward Councillor, three (3) local residents, the Licensing Authority, the Council's Environmental Health Service and South Yorkshire Police. The receipt of these representations mean that the application must be considered by the Licensing Sub-Committee.

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 and premises layout plan and boundary plan received on 13th June 2022
Appendix 3 Representations received
Appendix 4 Applicants response to the Representations

Background Papers

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

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

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence for the premises described as East Herringthorpe Pub, Laudsdale Road, Rotherham S65 3LG

1. Background

- 1.1 The application is made by Mr Roy Kwaitkowski for the grant of a Premises Licence in respect of the premises to be known as East Herringthorpe Pub situated at Laudsdale Road, Rotherham, S65 3LG. The applicant is seeking a licence to permit:
- the retail sale of alcohol for consumption on and off the premises,
 - the provision of indoor regulated entertainment (plays, films, indoor sporting events, live music, recorded music, performance of dance and similar entertainment); and
 - the provision of late night refreshment for consumption on and off the premises.
- 1.2 The location of the premises is shown at Appendix 1 and a copy of application form, together with the accompanying layout plans, can be found at Appendix 2.
- 1.3 The premises does not currently have the benefit of a Premises Licence. It is understood that the premises are currently closed.
- 1.4 Previously the premises were known as East Herringthorpe Club and had the benefit of a Club Premises Certificate issued under the Licensing Act 2003. However, this Certificate was withdrawn by the Licensing Authority on 01 April 2022 on the grounds that as premises were not operating as a “qualifying club”.
- 1.5 In summary, to be a “qualifying club”, a club must have at least 25 members and may only supply alcohol to its members and their guests. Instant membership is not permitted, and members must wait at least two days between their application and their admission to the club.
- 1.6 An appeal against the Licensing Authority’s decision to withdraw the Club Premises Certificate was lodged with Sheffield Magistrates Court, but subsequently withdrawn, meaning that the withdrawal of the Certificate had immediate effect.
- 1.7 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.
- 1.8 At the end of the prescribed period, representations have been received from a local Ward Councillor, three local residents, the Licensing Authority (acting in its role as a Responsible Authority), the Council’s Environmental Health Service and South Yorkshire Police.

2. Key Issues

The application

2.1 The applicant is seeking authority for the following licensable activities to take place at the premises:

- Retail sale of alcohol for consumption on and off the premises on:
 - Sunday to Thursday between 11:00hrs and 00:00: hrs; and
 - Friday and Saturday between 11:00hrs and 01:00hrs on the following day.
- The provision of indoor regulated entertainment (plays, films, indoor sporting events, live music, recorded music, performance of dance and similar entertainment) on:
 - Sunday to Thursday between 11:00hrs and 00:00: hrs; and
 - Friday and Saturday between 11:00hrs and 01:00hrs on the following day.
- Late Night refreshment for consumption on and off the premises on:
 - Sunday to Thursday between 23:00hrs and 00:00hrs hrs; and
 - Friday and Saturday between 23:00hrs and 01:00hrs on the following day
- Extend the terminal hour of all licensable activities to 01:00hrs on the day following Bank Holiday Sundays and Mondays and, if they fall on a Sunday to Thursday, Christmas Eve, Boxing Day, New Year's Eve, New Year Day and on All Saints Day.

Note: The application form attached at Appendix 2 to the report states that an extension is sought on "all saints days", of which they are numerous. This was raised with the applicant, who has clarified that the extension is sought for a single day, All Saints Day, which falls each year on the 1st November. Therefore the occasional extended hours sought in the application are as set out in the report.

2.2 The applicant has stated that the opening times of the premises are:

- Sunday to Thursday between 11:00hrs and 00:30hrs hrs; and
- Friday and Saturday between 11:00hrs and 01:300hrs on the following day

2.3 Two plans are attached to the application, one showing the internal layout of premises, the other its boundary. Regarding the internal layout, the applicant has clarified that consent is sought to allow the provision of licensable activities in all areas outlined in red.

- 2.4 The boundary plan does not identify a designated external drinking area. Again, clarification on this has been sought and the applicant has confirmed that consumption of alcohol and late night refreshment would be permitted anywhere within the boundary of the premises.

Representations received

- 2.5 Representations have been received from a local ward councillor, three local residents, the Licensing Authority, the Council's Environmental Health Service and South Yorkshire Police.
- 2.6 Full details of the representations can be found in Appendix 3. The representations from the Licensing Authority include CCTV footage, and a request has been made that when the Sub Committee view this footage the meeting is closed to the press and public.

Note: Whilst not set out in their representations, South Yorkshire Police have confirmed that a reduction in the terminal hour for the with regard to the retail sale of alcohol to 22:30hrs every day of the week is also sought. This has been communicated to the applicant, and they are aware that this reduction is included in their representations.

- 2.7 The applicant's response to the representations is attached at Appendix 4. This response was circulated to all parties who had made representations but failed to lead to the withdrawal of any of the representations.
- 2.8 As all parties are continuing with their representations the application is referred the Sub Committee for determination. Members of the Sub-Committee should give full consideration of the issues raised in the representations when determining the application.
- 2.9 All parties making representations have been invited to the hearing today and informed that, if attending, they will be given the opportunity to address the Sub-Committee in relation to their representations.

Conditions & Reduction in Operating Hours

- 2.10 At the time of writing no amendments to the application with regard to a reduction of operating hours, the removal of the provision of late night refreshment, the extent of the internal licensed area and the use of the external area had been made or requested - all of which are matters raised in the representations. In addition, whilst communications have been taking place, at the time of writing the conditions suggested / recommended by Licensing Authority and South Yorkshire Police have yet to be formally agreed.

Additional information regarding the Licensing Authority representation

- 2.11 The Licensing Authority have indicated that there is additional information that is relevant to this application, but due to the sensitivity of this information a request has been made for this information to be considered by the Sub-Committee in private session (i.e. with the public excluded from that part of the meeting).
- 2.12 Regulation made under the Licensing Act 2003 permit the exclusion of individuals from hearings, or conducting the hearing in private, if it is in the public interest to do so.
- 2.13 The Licensing Authority will outline their reasons why they consider it to be in the public interest for the Committee to consider the information in private, and it will then be for the Committee to determine whether to do so or not. If the Committee decide that it is not in the public interest for the information to be considered in private, then the Licensing Authority have asked for the information to be withdrawn from today's proceedings.
- 2.14 Legal advice will be available during the hearing to assist in the public interest determination should this be required.

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 Sub 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 Sub Committee are minded to 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 consider any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement. In relation to this application, the options available to the Committee are:
- To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate; or
 - To reject the whole or part of the application (which may include the omission of certain licensable activities from the licence and / or the refusal to specify a particular individual as the Designated Premises Supervisor).
- 3.3. The statutory guidance makes it clear that Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should consider 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.
- 3.24. 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.
- 3.25. 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.
- 3.26. 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.
- 3.27. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

4. Consultation

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

5. Timetable and Accountability for Implementing this Decision

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

6. Financial Implications

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

7. Legal Advice and Implications

- 7.1. A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 7.2. Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 7.3. In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4. The Panel may accept hearsay evidence and it will be a matter for the Licensing Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.
- 7.5. The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public.

It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment, and proportionality.

- 7.6. Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7. In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3rd June 2020).
- 7.8. Departure from the guidance and / or Statement of Licensing Policy could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

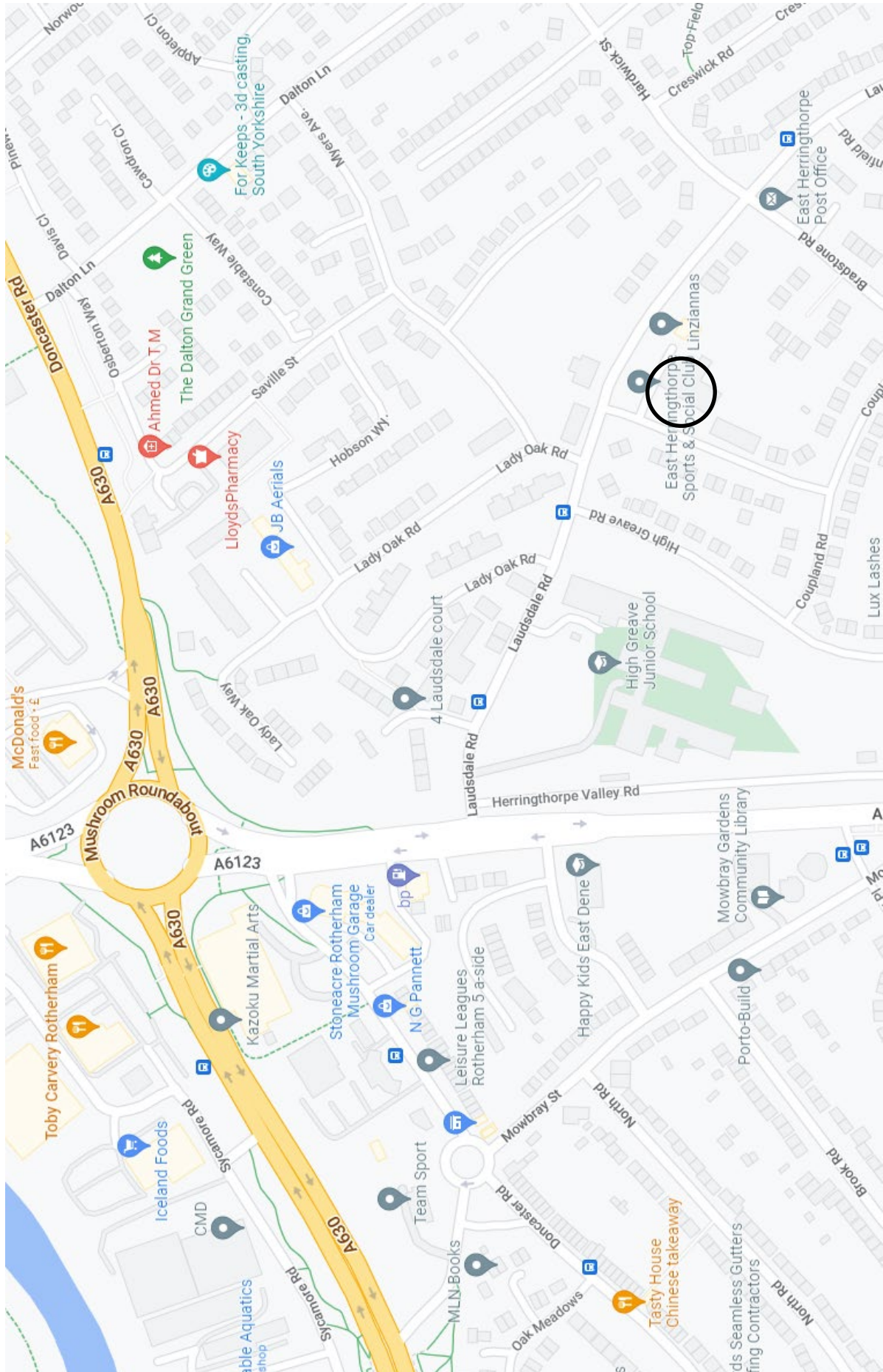
8. Risks and Mitigation

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

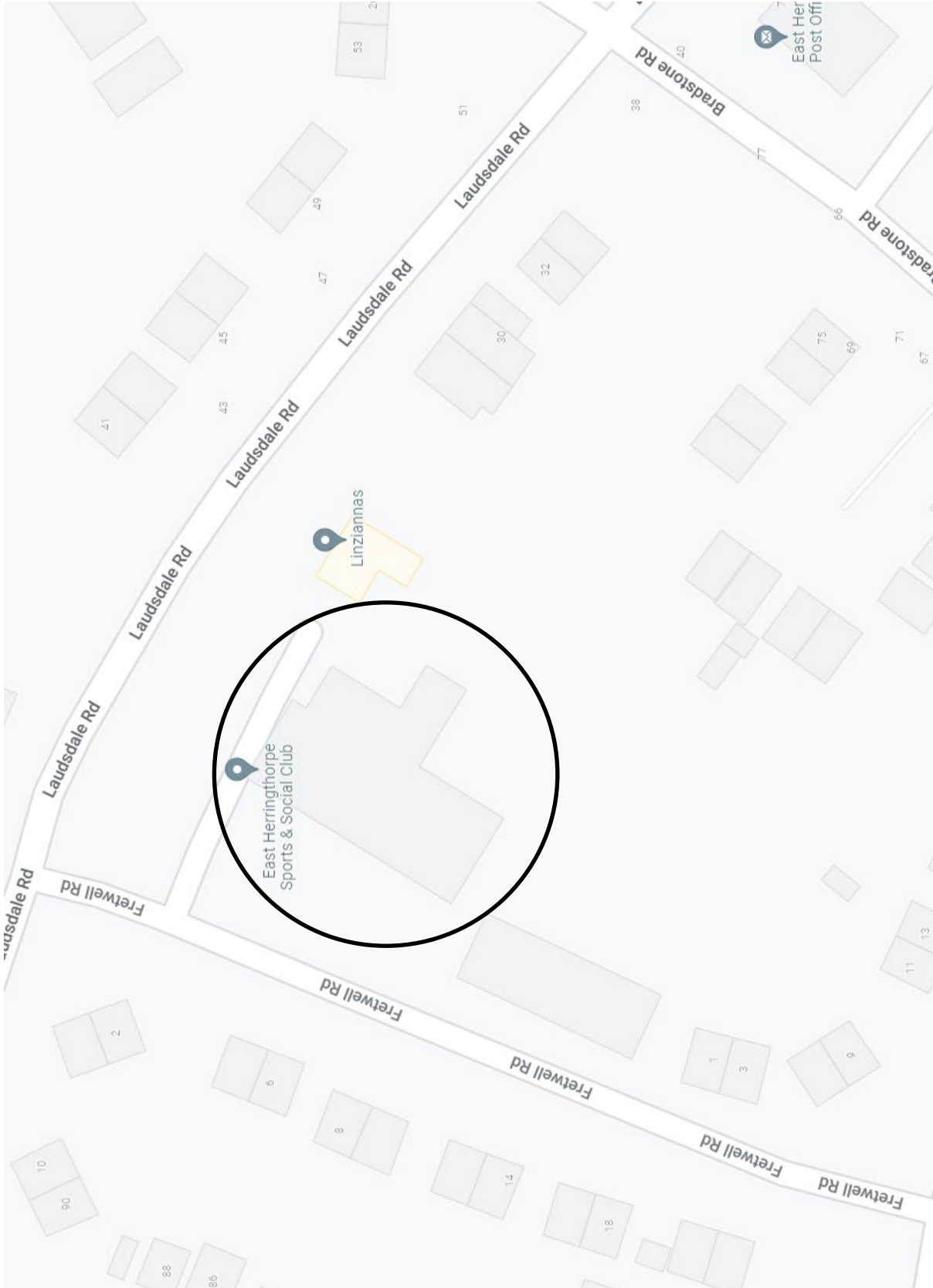
9. Accountable Officer(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

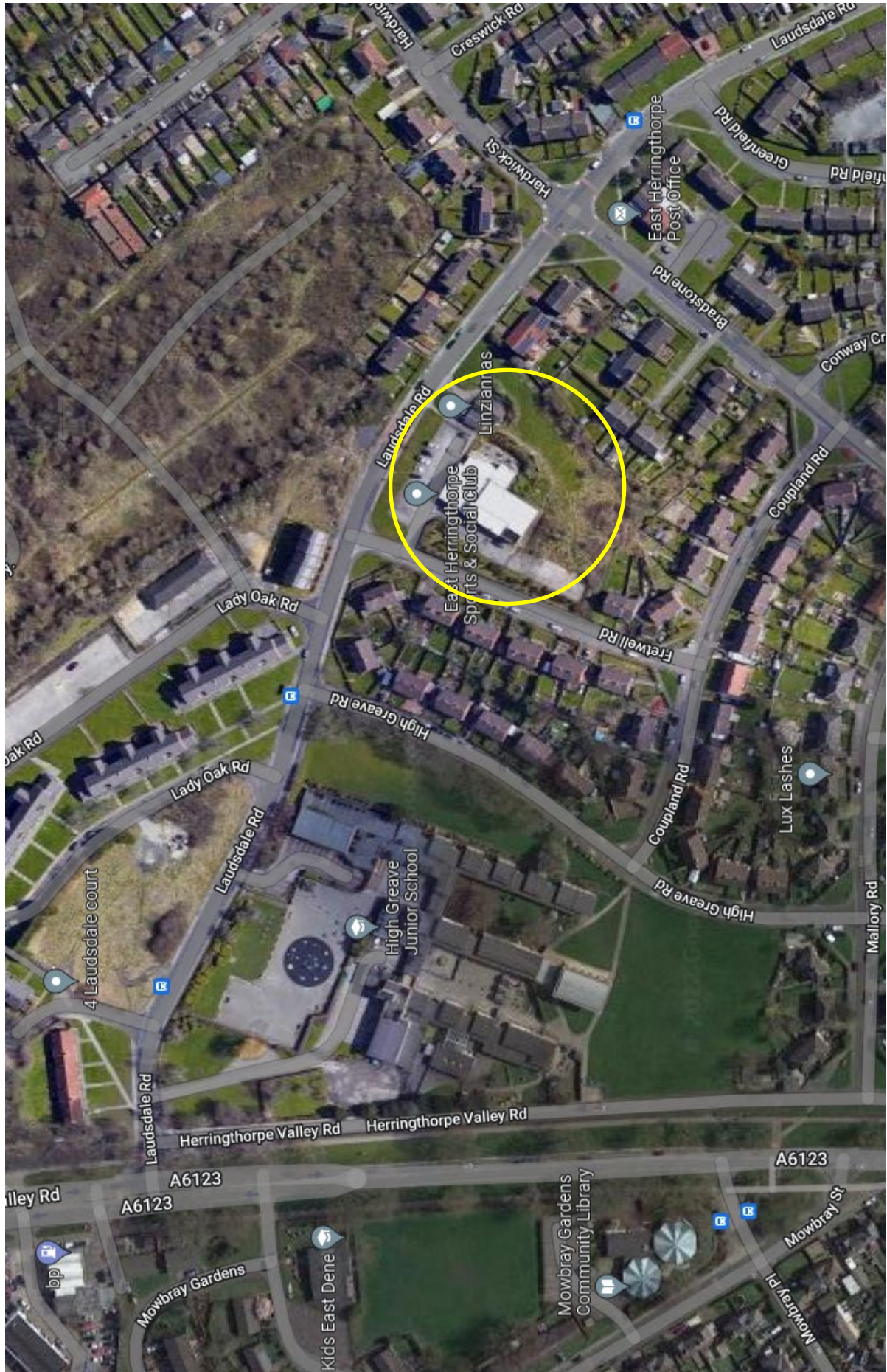
APPENDIX 1



APPENDIX 1



APPENDIX 1



APPENDIX 1



**Application for a premises licence to be granted
under the Licensing Act 2003**

APPENDIX 2

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, Roy Kwiatkowski, 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	
East Herringthorpe Pub, Laudsdaie Road, East Herringthorpe, South Yorkshire	
Post town Rotherham	Post code S65 3LG

Telephone number of premises (if any)

Non-domestic rateable value of premises

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

- | | Please tick ✓ | |
|---|-------------------------------------|-----------------------------|
| a) An individual or Individuals* | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual* | | |
| I. as a limited company | <input type="checkbox"/> | please complete section (B) |
| II. as a partnership | <input 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) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

- 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 ☐

Please tick ☐ yes

APPENDIX 2

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr ☒ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname

Kwiatkowski

First names

Roy

Date of birth:

I am 18 years old or over

Please tick



Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

Current postal address if different from premises address

Post Town

Rotherham

Postcode

Daytime contact telephone number

Email address (optional)

Second Individual Applicant (if applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (For example, Rev) ☐

Surname

First names

Date of birth:

I am 18 years old or over

Please tick



Nationality:

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

Email address (optional)

(B) OTHER APPLICANTS**APPENDIX 2**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day Month Year

A	S	A	P				
---	---	---	---	--	--	--	--

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

Day Month Year

--	--	--	--	--	--	--	--

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

N/A

APPENDIX 2**Please give a general description of the premises (please read guidance note 1)**

The Applicant is applying for a new Premises Licence for the above premises. It is understood that the Premises, formerly traded under a Club Premises Certificate which has since been lost.

The application is made in materially on the same terms as the previously granted licence, by with a new and unconnected proposed Premises Licence holder.

The premises is designed to be a venue which celebrates the East Herringthorpe local community. The premises intends to restore the "good reputation" of the premises and it being a central feature of this community. The premises will also be looking to undertake both live and recorded music entertainment on some weekend evenings.

The principal operation of the premises will be a "local pub", being a safe place for members of the local community to visit, eat and drink and socialise with their friends and family. The premises will also have the benefit of television screens which will be used to show rolling news and music videos and important sporting events of national and local importance. The premises will also act as a "hub" type establishment for associated sporting teams.

This applicant brings a new management team to the Premises and with the Premises having a new operator, new management policies, staff training manuals and new DPS. The applicant, when it is appropriate, will also be employing an SIA approved door team. Although contained within the same building, the layout has not been materially altered, the operation will be different and more onerous than its previous operators.

These changes will improve the amenity of the Premises and local area and will promote the 4 licensing objectives by moving the Premises away from its former operation.

The extent of the premises is illustrated on the deposited plans along with the location of the site.

The layout is in accordance with the plans deposited with the Licensing Authority being:

- Drawing Number- 062022-EH-01
- Drawing Number- 062022- EH-02

Appropriate noise attenuation measures are included within the structure of the building and within the management processes and it is noted that residential accommodation is in proximity to the premises. The immediate facility being occupied by retail and commercial ventures.

The operating schedule has been completed on this basis.

The premises on opening will be called the East Herringthorpe Pub

The following permitted licensing hours are applied for in respect of both on and off sales:

Sunday to Thursday 11:00 to 00:00 hours

Friday to Saturday 11:00 to 01:00 hours

With the premises closing 30 minutes later.

The application seeks to obtain authorisation under the Licensing Act 2003 for the following activities:

- 1) To permit regulated entertainment comprising:
 - Plays;
 - Films;
 - Indoor sporting events;
 - live music;
 - recorded music;
 - performances of dance; and
 - anything of a similar description.
- 2) New Years Eve to operate from 11:00 on the 31st December until 01:00 on the 1st January, thereby providing extended hours.
- 3) To permit provision of refreshment after 23:00.

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

APPENDIX 2Please tick ☐ yes**Provision of regulated entertainment (please read guidance note 2)**

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

Provision of late night refreshment (if ticking yes, fill in box I) ☒**Supply of alcohol** (if ticking yes, fill in box J) ☒**In all cases complete boxes K, L and M****A**

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 {Y} (please read guidance note 3).	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	11:00	00:00	Please give further details here (please read guidance note 4)	Both	
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for performing plays (please read guidance note 5)		
Thur	11:00	00:00			
Fri	11:00	01:00	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	11:00	01:00			
Sun	11:00	00:00			

B**APPENDIX 2**

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place Indoors or outdoors or both – please tick {Y}(please read guidance note 3).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	11:00	00:00			
Tue	11:00	00:00	As stated in Part 3 above. There shall be no films shown to a close seated audience		
Wed	11:00	00:00			
Thur	11:00	00:00	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Fri	11:00	01:00			
Sat	11:00	01:00	N/A – save as below		
Sun	11:00	00:00			
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)	
Day	Start	Finish	As stated in Part 3 above and restricted to traditional pub games in the presence of an audience, including (but not limited to) darts, pool, snooker, dominos and similar	
Mon	11:00	00:00		
Tue	11:00	00:00	State any seasonal variations for indoor sporting events (please read guidance note 5)	
Wed	11:00	00:00		
Thur	11:00	00:00	N/A – save as below	
Fri	11:00	01:00		
Sat	11:00	01:00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)	
Sun	11:00	00:00		
			When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)	

D**APPENDIX 2**

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

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4) Live music and amplified voice as stated in part 3 above.		
Mon	11:00	00:00			
Tue	11:00	00:00			
Wed	11:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 5) N/A – save as below		
Thur	11:00	00:00			
Fri	11:00	01:00			
Sat	11:00	01:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sun	11:00	00:00			

F**APPENDIX 2**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	11:00	00:00	Please give further details here (please read guidance note 4)		
Tue	11:00	00:00	Recorded music, including juke box, with or without a DJ, during normal business hours or as part of functions and including audience participation as specified in part 3 above.		
Wed	11:00	00:00	State any seasonal variations for playing recorded music (please read guidance note 5)		
Thur	11:00	00:00	N/A – save as below		
Fri	11:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	01:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sun	11:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick {Y} (please read guidance note 3).	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish			
Mon	11:00	00:00	Please give further details here (please read guidance note 4)		
Tue	11:00	00:00	As stated in Part 3 above		
Wed	11:00	00:00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	11:00	00:00	N/A – save as below		
Fri	11:00	01:00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	11:00	01:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sun	11:00	00:00			

H**APPENDIX 2**

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 {Y} (please read guidance note 3).	Indoors ✓
				Outdoors
				Both
Mon	11:00	00:00	Please give further details here (please read guidance note 4)	
Tue	11:00	00:00		
Wed	11:00	00:00		
Thur	11:00	00:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)	
Fri	11:00	01:00		
Sat	11:00	01:00	Non standard timings. Where you intend to use the premises for the entertainment of 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	11:00	00:00		

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 {Y} (please read guidance note 3).	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 4) As stated in Part 3 above		
Mon	23:00	00:00			
Tue	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) N/A – save as below		
Wed	23:00	00:00			
Thur	23:00	00:00			
Fri	23:00	01:00	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	23:00	01:00	When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)		
Sun	23:00	00:00			

J

APPENDIX 2

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 8)	On the premises	
				Off the premises	
Day	Start	Finish		Both	✓
Mon	11:00	00:00	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Tue	11:00	00:00			
Wed	11:00	00:00			
Thur	11:00	00:00			
Fri	11:00	01:00	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	01:00			
Sun	11:00	00:00			
			To permit sale of alcohol and such regulated entertainment as authorised hereunder until 01:00 on Friday, Saturday, Sunday and Monday at bank holiday weekends, Christmas Eve, Boxing Day New Years Day and All Saints Days.		
			New Years Eve: 11:00 to New Years Day – terminal hour as proposed		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
Name: Jodine Louise Battye.....	
Date of Birth.....	
Address.....	
Postcode.....	
Personal Licence number (if known): RM3358	
Issuing licensing authority (if known): Rotherham Metropolitan Borough Council	

K

<p>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)</p> <p>NONE save for the presence of AWP machines already authorised the use of which is not permitted by persons under the age of 18</p>

L**APPENDIX 2**

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5) Please see box J above
Day	Start	Finish	Non standard timings. Where you intend to use 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) The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	11:00	00:30	
Tue	11:00	00:30	
Wed	11:00	00:30	
Thur	11:00	00:30	
Fri	11:00	01:30	
Sat	11:00	01:30	
Sun	11:00	00:30	

M

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

This is an application to relicense a premises where the previous licence has been lost. Liaison has been undertaken with Licensing and South Yorkshire Police and the below operation schedule is believed to promote the licensing objections. This is an explanation and not to be conditioned.

b) The prevention of crime and disorder

1. Initial training shall take place within 6 weeks of employment, training shall be refreshed every year. Records of all training shall be retained on the premises for inspection by the Police or Local Authority Licensing Officer upon reasonable request.
2. CCTV must be installed and cover all internal areas, including all public entry and exit points and any areas where smokers are allowed to congregate. The CCTV unit must be positioned in a secure part of the licensed premises and not within any private area of the location.
3. All images must be kept for a consecutive 28 day period and to be produced to the Police in relation to the investigation of crime and/or disorder issues and suspected licence breaches, upon a lawful request as soon as reasonably possible where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.
4. The CCTV system must be maintained so as to be fully operational and recording continually, whilst licensing activities are being undertaken.
5. There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or an authorised officer of the Licensing Authority.
6. Fortnightly checks must be made of the operation of the CCTV system to confirm that it is working correctly and such checks must be recorded in a register which is to be signed by the person conducting the check. This record must be kept fully updated at all times and remain on the premises for inspection by the Police, Trading Standards or an authorised officer of the Licensing Authority.
7. The need for door supervisors on Friday, Saturdays or any other occasions shall be determined by Premises management in line with their assessment of risk.
8. When door supervisors are used, all door supervisors should at all times when working wear uniform that clearly identifies them to the public as door supervisors.
9. The need for the use of non-traditional drinking vessels on Fridays, Saturdays or any other occasion

shall be determined by Premises management in line with their risk assessment

APPENDIX 2

c) Public safety

The DPS and/or a member of management should be a member of the local Pub Watch scheme (as long as it exists).

d) The prevention of public nuisance

1. Windows are to remain closed, when live and/or recorded music is being played from the premises.
2. Signs near the exits of the premises must clearly communicate that customers must respect the needs of local residents, and leave the premises quietly

e) The protection of children from harm

1. Challenge 21 must be operated at the premises whereby all persons who appear to be under 21 years of age and purchasing or attempting to purchase alcohol must be asked to provide identification to prove they are over 18 years of age.
2. The only acceptable forms of identification allowed are a valid passport, a valid photo ID driving licence or a valid proof of age scheme card with the PASS approved hologram, Foreign Identity cards and military cards.
3. Challenge 21 signage must be displayed in a clear and prominent public place at the premises.
4. A refusals register must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are underage. This register must be made available for inspection upon request by a Responsible Authority. This register can be written or electronic.
5. Persons under the age of 18 must be accompanied or supervised by an adult and unless they are attending a private event, shall not be permitted to remain on the premises after 22:00hrs.

APPENDIX 2

- I have made or enclosed payment of the fee ☒
- I have enclosed my the plan of the premises ☒
- I have enclosed a 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 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 or my share code issued by the Home Office online right to work checking service (please read note 15). ☒

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

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

Part 4 – Signatures (please read guidance note 11)

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

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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
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Signature: John Gaunt & Partners

Date: 13/06/2022

Capacity: Solicitors.....

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: John Gaunt & Partners

Date:

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Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)	
John Gaunt & Partners Omega Court 372 Cemetery Road	
Post town Sheffield	Post code S11 8FT
Telephone number (if any)	0114 2668664
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) LSchelvis@john-gaunt.co.uk	

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:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - 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, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - 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.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500,

APPENDIX 2

and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

- o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (I) a local authority, or (II) a school, or (III) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (I) the local authority concerned, or (II) the school proprietor or (III) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.
- 15. **Entitlement to work/Immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

They do this in one of two ways:

- 1) by providing with this application, copies or scanned copies of the documents which an applicant has provided, to demonstrate their entitlement to work in the UK (which do not need to be certified) as per information published on gov.uk and in guidance.
- 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Home Office online right to work checking service.

As an alternative to providing a copy of original documents, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

APPENDIX 2

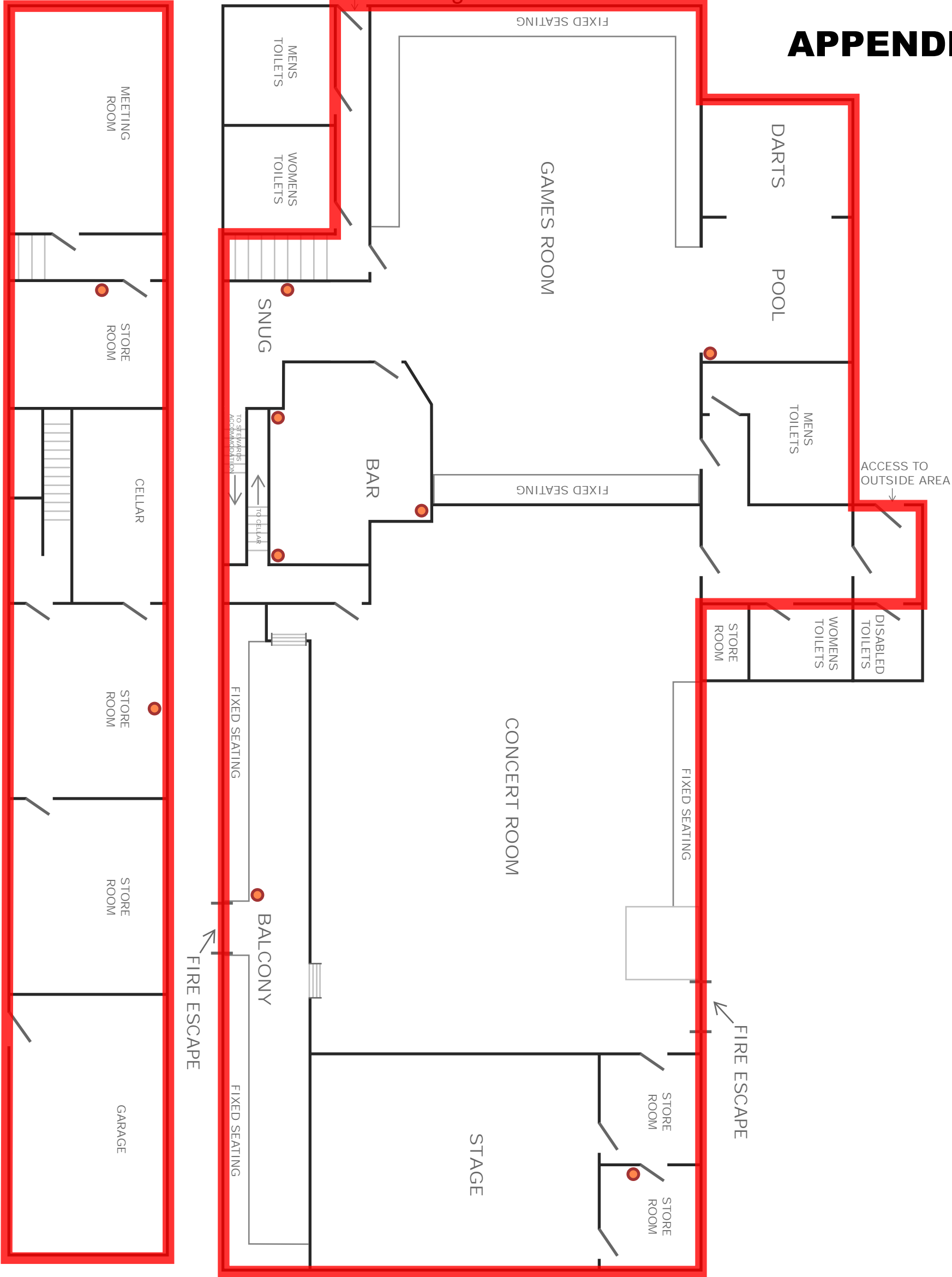
To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their share code (provided to them upon accessing the service at <https://www.gov.uk/working-in-the-uk>) which, along with the applicant's date of birth, will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copies of documents as set out above.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

APPENDIX 2



- Licensed Area



- Fire Extinguishers

Title:
Licensing Plan - June 2022

Drawing Number:
062022-EH-01

Premises:
East Herringthorpe Sports
& Social Club, Rotherham,
South Yorkshire, S65 3LG

APPENDIX 2

H.M. LAND REGISTRY		SYK 392183	
ORDNANCE SURVEY PLAN REFERENCE	SK 4593	SECTION F	Scale 1/1250
COUNTY SOUTH YORKSHIRE	DISTRICT ROTHERHAM	© Crown copyright 1974	



Title:
External Plan - June 2022

Drawing Number:
062022-EH-01

Premises:
East Herringthorpe Sports
& Social Club, Rotherham,
South Yorkshire, S65 3LG



Town Hall
The Crofts
Moorgate Street
Rotherham S60 2TH
E-mail: Michael.Sylvester@rotherham.gov.uk
Email the Council for free @ your local library!

Our Ref:
CllrMBS-RMBC

Please Contact:
Cllr Michael Bennett-Sylvester

Telephone Number:

Date June 27th 2022

To: RMBC Licensing

Dear Sirs,

Licensing Application East Herringthorpe Pub

I'm writing to make representation regards concerns with the Premises Licence application for the above premises and the promotion of the four licensing objectives.

I have received representations from several local residents with concerns around potential public nuisance, public safety and protection of children. Most of these are based around the proposed operating hours and extent of the licensed area.

For members who are not familiar the site has residential properties backing onto it from Bradstone Road and Coupland Road, sits opposite from a residential development on Laudsdales Road and due to being on a hillside significantly overlooks properties on Fretwell Road.

Residents concerns relate to past experience from the premises relating to noise, public disorder and a widely held belief in allegations of criminal activity within the site. They have relayed instances of regular fights, items such as glasses and bottles thrown into gardens, issues with parking and motoring offences from patrons, late night even early morning noise and abuse along with threatening behaviour towards residents from those under the influence using the premises.

The residents have expressed a lack of confidence with which I agree that the Premises License as applied for will adequately address their concerns and give them confidence to use the premises. I would suggest to the applicant the following to try and win that confidence and would suggest to the licensing committee that without the following that the application should be rejected.

Operating Hours.**APPENDIX 3**

As stated above this site both adjoins and overlooks a number of residential properties while being in the middle of a residential estate. As such end of service times of midnight Sunday to Thursday and 1am Friday and Saturday with an additional thirty minutes closing is causing concern that with taxi pick ups will cause noise for residents until the early hours and is inappropriate for such a location.

Looking at other local closing times the latest advertised is Silverwood Miners Welfare with a weekend closing of 11.30pm. There is a concern that if put into practice the proposed opening hours will create a destination venue with drinkers from other premises heading to East Herringthorpe arriving after 11pm and adding to the noise local residents will experience.

With the exception of New Years Eve I would suggest an 11pm end of service and activity for all licensable activities with twenty minutes drinking up time on all days including bank holidays, national saints days and other public holidays.

Commercially the premises will still have the TENs system for special events and holidays while residents would have the confidence that normal activity on the site will reasonably be concluded by midnight.

There is also concern that a 10pm limit for under 18s does not promote the licensing objective of protecting children from harm and would suggest a 9pm limit especially Sunday to Thursday would be more advantageous in boosting confidence in the venue.

Internal Licensed Area

The application is looking to internally license the downstairs cellar, store room and garage. Members will need to note that though downstairs each of these areas open onto land overlooking Fretwell Road. Licensing these would potentially add to the entrances and exits to the internal premises that need to be monitored and thinking commercially allow for service in this area to any external licensed area overlooking Fretwell Road and as such would be counter to the licensing aim to prevent public nuisance. I have had casework regards this area of the premises for anti-social behaviour due to stones and bottles being thrown across Fretwell Road from the higher elevated premises grounds into gardens.

External Licensed Area

Licensing the full grounds of the premises would create significant problems for monitoring activity on the site and I believe would create difficulties in promoting all four licensing objectives. The licensed area would directly border residential properties on Bradstone Road, Coupland Road and Fretwell Road, would directly overlook properties on Fretwell Road and on Laudsdales Road extend to the public highway with currently no separation between patrons and pedestrians on Laudsdales Road.

The pub currently has an outside seating and smoking area on its South East side facing Bradstone Road. I would argue that to build local residents confidence

APPENDIX 3

licensing objectives are being promoted that this should be the only external licensed area and that TENs applications would provide an adequate commercial route for occasional outdoor activity in parts of the site such as for example Bonfire night.

In summary the application in its present form does not give a good number of local residents and myself the confidence that the four licensing objectives will be promoted especially regards potential public nuisance potentially into the early hours of the morning, potential use of downstairs areas adjoining Fretwell Road and public safety in terms of the size of the external proposed licensed area.

I would be happy to speak at any hearing into this application.

Yours sincerely

Michael Bennett-Sylvester

Councillor Michael Bennett-Sylvester
Elected Member (Dalton & Thrybergh)

APPENDIX 3

APPENDIX 3

From: [REDACTED]
Sent: 25 June 2022 18:53
To: Licensing <Licensing@rotherham.gov.uk>
Cc: Diane Kraus <Diane.Kraus@rotherham.gov.uk>
Subject: Website enquiry re

Objection to
Premises Licence application by
Mr Roy Kwiatkowski

East Herringthorpe Pub
Laudsdale Road
East Herringthorpe
Rotherham
S65 3LG

On the grounds of
The Prevention of crime and disorder
The Prevention of public nuisance,
Public Safety, and
The Protection of children from harm.

Since this man claimed ownership of the above premises we have had to endure, Shouting, Swearing, Fighting, loud music, car doors banging, engines revving up and tyres screeching from the car park, all within close proximity of our home, and this is at any time from opening until the early hours of morning. Men leaving the club can frequently be seen urinating in peoples hedges, gate ways and parked cars.

Bottles and broken glasses are left discarded anywhere without a care for children who live in the area and pass this way to go to the local primary school. I would not consider this a fitting or safe place for children to be at any time.

The Police have been called out multiple times to deal with trouble, public nuisances and disturbance on the premises, the car park and the streets around it leaving us to feel unsafe in our home and for our property.

This is why the original licence was revoked and we are of the opinion it will soon revert back to this anti social behaviour if a new premises licence is granted.

I request that this and our personal details are withheld and kept anonymous for fear of retribution.

Regards.

Mr & Mrs [REDACTED]
[REDACTED]
[REDACTED]

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-----Original Message-----

From [REDACTED]

Sent: 22 June 2022 00:06

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

Subject: Website enquiry-representation against east herringthorpe pub (club license)

I am wanting to comment against the application of the East Herringthorpe pub becoming a club, we live just a street down from East Herringthorpe pub, we have 2 young children and both work ourselves with my partner getting up at 5.30-6am for work, I feel the pub becoming a club would cause a lot of disruption to ourselves and would be a nuisance to the rest of the public too. We already hear loud music and people walking away from the club arguing/drunk and swearing so I imagine this would be a lot worse and a lot later on if this was to become a club. My children would be very scared if they heard shouting, noisy drunk people in the middle of the night, it would completely disturb their sleep and sense of safety aswell as our sleep too.

I think having this turned into a club would just cause more crime to happen, people would be out later, drinking alot more and would cause more crowds to turn up there, which in turn is just asking for arguments and anti social behaviour to happen, the crime rate in east herringthorpe already seems to be a problem so why add to this? Surely this is just going to make crime and disorder a lot more common than it already is.

I think the safety of the public would be at risk, it is a built up area, loads of houses around and cars passing by, alot of factors that just make it sound like a health and safety nightmare. Drunk loud people thinking it's a good idea to smash a window or egg someone's house, or generally cause arguments/fights with other people, police will never be away. There will be more litter, smashed beer bottles/glass in the streets. Let's keep the clubs in main town where they belong, away from built up areas where the elderly want to feel safe in their own home, children want to sleep peacefully without being woken up hearing awful words or being scared from hearing fights, and where people need a good nights sleep ready for their 12 hour shift early the next day.

Please, let's not make east herringthorpe any worse, we should be looking at ways to prevent crime and disruption in this area not a way to encourage it.

Thank you,

[REDACTED]

I would also like to ask that my name and address stays anonymous please, we got burgled in January and so I am very wary about my name and address being on this for a person who I don't know to see it, however for this reason as well I would love to see crime rate go down and see East Herringthorpe become a lovely place again.

From: [REDACTED]
Sent: 29 June 2022 10:44
To: Diane Kraus <Diane.Kraus@rotherham.gov.uk>
Subject: Licence objection

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I would like to object to the granting of a licence for Mr Roy Kwiatkowski for the premises to be known as East Herringthorpe pub S65 3LG on the following grounds.

Public Nuisance, Crime and Disorder and Protection of children to harm.

Crime and Disorder,

I don't believe Mr Kwiatkowski's character is suitable to hold a licence because since he bought the property in an underhand and I believe fraudulent manner in May 2020 there's been more trouble than in previous years, with the police being called out for many different crimes.

I have reported the alleged fraudulent sale of the property to Action Fraud on 23/04/2022, it was reviewed by them and passed on to The National Fraud Intelligence Bureau who also reviewed and asked a couple more questions before passing the information gathered on to South Yorkshire Police on 11/05/2022 who are still reviewing the case.

Public Nuisance,

While owned by Mr Kwiatkowski, customers were allowed to drink in and outside the premises until the early hours of the day, which resulted in patrons being drunk and Disorderly, shouting, singing, swearing and more often than not fighting, which as a nearby resident I was awoken on a many night sometimes until 3am.

Protection of Children from harm,

There has been Children allowed in the premises on a regular basis, not just on the days when children's activities were on. The owner/management have not done anything to prevent any harm coming to these children.

Also Mr Kwiatkowski has applied for a late night refreshment indoors and outdoors from 23:00 to 00:00 hours or 23:00 to 01:00 hours. Why is this such a late start to commence refreshments and Mr Kwiatkowski hasn't specified whereabouts outside this would be, as a nearby resident I would like to object to this due to fear that it would allowed to be close to nearby properties and we would have to live with any noise and disorder that occurred.

Thank you

APPENDIX 3

memorandum

Community Safety & Street Scene

To:
Licensing Services

Date:
16 June 2022

For the attention of

Licensing Application:

Premises licence

East Herringthorpe Sports & Social Club East Herringthorpe Sports & Social Club Laudsedale Road East Herringthorpe Rotherham S65 3LG

Contact:
Nathan Marshall

Ref:
054279

Extension:
822956

I write with reference to the above application to which I received consultation papers on 14 June 2022 and would report as follows:

i) Consideration

After considering the application, and reviewing the previous history, evidence suggests that previously from this establishment being open to the public, has raised the number of ASB complaints considerably by local residents. This has previously stretched local policing and local authority resources this raises concern that they are unable to sustain the resources required to maintain public order, due to previous management and cliental.

ii) Conclusions

The proposed application would cause concern on the local amenity on the grounds of Anti-Social Behaviour. It is viewed that it is not possible to prevent this loss by the imposition of conditions.

iii) Recommendations

I would recommend that in the light of the above, the application be refused.

Suggested reason(s) for refusal as per above.

It is my view that the ground(s) for refusal can be substantiated if an appeal is lodged against a refusal for this application.

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

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From: Rotherham_Licensing <rotherham_licensing@southyorks.gov.uk>
Sent: 11 July 2022 14:55
Subject: Objection to the proposed application for a new premise licence for East Herringthorpe Pub, Laudsedale Road, East Herringthorpe, Rotherham, S65 3LG

Rotherham Metropolitan Borough Council
Riverside House,
Main Street,
Rotherham,
S60 1AE

Date: 11th July 2022

Licensing Act 2003

Objection to the application for a new premise licence for East Herringthorpe Pub, Laudsedale Road, East Herringthorpe, Rotherham, S65 3LG

On behalf of the Chief Constable of South Yorkshire Police, an objection is being made in relation to the above application.

The grounds of objection are based on the potential impact on the promotion of the licensing Objectives - **Crime and Disorder & Public Nuisance.**

The premise previously operated under a Club certificate, which was revoked by Rotherham Council due to the premise not following Club guidelines. Following submission of an application for a new premise licence, South Yorkshire Police have submitted to the applicant a list of conditions and a reduction in hours to allow the premise to operate and adhere to the four licensing objectives.

I initially emailed the Solicitor on 5th July and again on 8th July, the Solicitor responded on the 8th July saying she was waiting instruction from her Client. As I've not had a response, I have no alternative other than to place an objection to the application.

If the applicant confirms agreement to the conditions and changes to trading times, South Yorkshire Police would withdraw our objection.

Reduce opening times to

11:00hrs – 23:00hrs Monday – Sunday

Performance of plays, Films, Indoor sporting events, Live & recorded music, performance of dance

11:00hrs – 22:30hrs Monday – Sunday

Removal of Late Night Refreshment

Add the following conditions

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- Polycarbonate drinking vessels (or other appropriate to the risk assessed basis and through negotiation upon police advice. This is most likely to mean for example, use of polycarbonates perhaps at busy weekend times or periods, or when risk assessed by management due to the customers profile or likely demeanour.
- Registered SIA door supervisor must be employed at the premises from 19:00 on every Friday and Saturday evening and in addition every Sunday preceding a Bank Holiday. The requirement for such security at any other time to be risk assessed by the Designated Premises Supervisor or member of the management team.
- Any person exercising a security activity (as defined by paragraph 2 (1) (a) of schedule 2 of the Private Security Industry Act 2001) shall be licensed by the Security Industry Authority. Such a person will be employed at the premises at the discretion of the designated premises supervisor/holder of the premises licence. Any person defined in this condition will clearly display their name badge at all times whilst on duty.
- Customers entering the premises will be subjected to random searches in accordance with the premises assessment of risk.
- There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the Police. A record of the checks to be kept for 6 months
- Staff will receive training on matters concerning underage sales, drugs policies, and operating procedures. Records of such will be kept and made available for inspection of the authorities.
- The Challenge 25 scheme must operate including a refusals log, signage and the maintenance of staff training records.
- The Premise shall be an active member of the local pub watch scheme if available.
- No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
- No customers apparently carrying open bottles upon entry shall be admitted to the premises at any time the premises are open to the public.
- A colour CCTV system to the specification of South Yorkshire Police will be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 31 days and police and authorised officers of the council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. CCTV footage shall be downloaded and provided to South Yorkshire Police on request. Members of

APPENDIX 3

the management team will be trained in the use of the SYP Violent Incident Protocol. A copy of the specification dated January 2010 will be available at all times for inspection of the police and authorised officers. (see attachment)

- *A copy of the SYP Violent Incident Protocol to be displayed within the premises in sight of staff. This protocol should also form part of staff training and training records to reflect such input. (see attachment).*
- *Children under the age of 16 are prohibited after 20:00 hours unless accompanied by a responsible adult and attending a private pre-booked family type function.*
- *The Premises Supervisor or appointed staff member shall ensure that when children are admitted to the premises, their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.*
- *The Designated Premises Supervisor, or other such responsible person, should be assigned to act as the Co-ordinator for safeguarding systems at the premises. This person must act in compliance with the guidance and training provided by the Rotherham Children's Safeguarding Partnership.*
- *Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly*
- *Events will only be held at the licensed premises following a booking procedure, whereby the Premises Licence Holder / DPS will ensure that if a function is to be booked then full details of the name, address and telephone number of the person to hold the event will be obtained and made available to the Police upon request.*

Yours faithfully,

For and on behalf of

Chief Constable, South Yorkshire Police

Tracey Klein

Licensing Assistant

South Yorkshire Police

Liquor Licensing Department, Moss Way Police Station, Moss Way, Sheffield S20 7XX

Tracey Klein:

E-mail: Rotherham_Licensing@southyorks.pnn.police.uk

Website address - southyorks.police.uk



Please be advised that the content of emails may be submitted as evidence to a Licensing hearing should issues arising not be resolved. The Local Council may post them as part of the process on their Website which has public access.

CCTV Systems **APPENDIX 3**

Installed within Licensed Premises in South Yorkshire

Operational Requirement Analysis

Name of Premises:	
Address of Premises:	
Location and Nature of Premises:	
Agreed on Behalf of South Yorkshire Police	
Signed:	Position held:
Print:	Date:
Agreed on Behalf of Sheffield Licensing	
Signed:	Position held: Licensing and CCTV Officer
Print:	Date:

CCTV Systems within Licensed Premises

This document is intended to provide a **minimum** performance specification for the installation of a CCTV system, or the upgrade of an existing system, installed within licensed premises operating under Premises Licenses issued by Sheffield City council Licensing up to the year 2020.

It is advised that in anticipation of a new minimum specification which will be introduced prior to 2020 that any upgrades or new installs should be a fully digital with High Definition wide dynamic range cameras.

It is intended that an effectively installed and managed system will help to prevent criminal and anti-social behaviour.

It is intended that an effectively installed and managed system will help to safeguard the safety and protection of customers and staff.

This document provides the criteria for the specification of an effective CCTV system and is in part, based upon advice published by the Defence Science and Technology Laboratory (DSTL), The Data Protection Act and the Office of The Information Commissioner.

Operational Requirement Analysis

An Operational Requirement is defined as:

“A statement of needs based on a thorough and systematic assessment of the problems to be solved and the hoped-for solutions.”

The Operational Requirement (O.R.) of the CCTV system sets out to answer a series of simple questions such as:

- Why am I installing a CCTV system?
- What do I want the CCTV system to do?
- Where should I install cameras?
- How should I record the images?

By utilizing the O.R. approach we reduce the opportunities for confusion between licence holders and the responsible authorities which may lead to a non-compliant CCTV installation.

By adhering to the O.R. document operators will comply with the requirements placed upon operators under the Data Protection Act.

Let's look at the reasons behind the O.R. in a little more detail

Why am I installing a CCTV system?

It is a requirement that you set out the objectives of the CCTV system installed within your premises. Typical examples of the objectives of CCTV systems installed within licensed premises are:

- Protect my Staff / Patrons / Business
- Deter adverse, criminal and Anti-Social Behaviour

What do I want the CCTV system to do?

Having established why you need a CCTV system all subsequent actions and requirements must be relevant to that purpose. Those requirements may include:

- To Recognise and identify offenders
- To provide evidence in the event of, criminal or anti-social behaviour

Where should I install cameras?

To assist in this, follow the process detailed below

APPENDIX 3

Step 1: Site plan

Your first task when compiling the Operational Requirement (OR) is to draw a site plan on which to mark the areas of concern. The more detail you can include in this plan the better as this will help in the placing of lights and cameras especially with regard to fields of view and potential environmental problems.

Step 2: Define the Issues

This is the problem that you are experiencing. It is this initial assessment that will help establish if a CCTV system is the most appropriate, efficacious and proportional response to the specific concerns marked on the site plan. It is this work that will identify if there are alternative options you should consider.

Step 3: Risk assess the results of steps 1 and 2

At this stage you need to ask the questions:

- i. What is the realistic likelihood of the activity highlighted happening? This can be referenced as: Low – Medium – High
- ii. What would be the consequences if the activity was not monitored and/or recorded? This can be referenced as: Minimal – Moderate – Severe

Risk Likelihood	High	3	5	6
	Medium	2	4	5
	Low	1 No CCTV Intervention	2	3
		Minimal	Moderate	Severe
		Consequence Rating		

Step 4: Success Criteria

Ask the question:

‘If CCTV cameras were used what would constitute a successful outcome?’

APPENDIX 3

Defining this will help outline the best way to operate / monitor the CCTV data and identify any supporting measures that may need to be implemented.

Step 5: What is the purpose of the CCTV images?

Steps 1 to 4 completed and it has been demonstrated that there is a need for a CCTV system in your premises.

From this position we now need you to consider the level of detail we need from the CCTV images to achieve this purpose.

One of the common failings in most CCTV system is they produce images that are too small or lack sufficient detail to enable identification and recognition.

Different CCTV purposes will need specific standards of recognition from the cameras. These are the 4 recognition standards:

-
- **Detection** – presence of a person / object
- **Observation** – General observation to establish the activity of persons within the area of observation
- **Recognition** – example: to recognise somebody known to you or to determine that you do not know the person
- **Identification** – example: evidential quality that could be used in court to prove a person's identity beyond reasonable a doubt

Recognition and Identification

We require images, from your CCTV system, that meet the **Recognition** and **Identification** criteria.

To enable accurate identification from recorded images, the Defence Science and Technology Laboratory (DSTL) recommends that the CCTV system should produce a **minimum** image quality at the monitor of 450TVL or a comparable equivalent.

The images below will explain the 4 identification standards



Monitor: From this level of detail we

APPENDIX 3



Detect 10%: A more detailed view but note we now have a smaller



Recognise 50%: At this level of magnification, someone who



Identification 100%: We've now sacrificed field of view completely

The quality of the exported images is of paramount importance

They should therefore:

- Give evidence of identity of offenders (Identification)
- Clearly show the actions of persons involved in an incident (Recognition)
- Be accurately time and date stamped

- Be kept secure ready for use when required

APPENDIX 3

Remember: We want Quality of images over Quantity

Where should I install cameras?

- Cameras should only be positioned to observe areas for the purpose stated in the Operational Requirement
- Data from these cameras should be adequate and relevant to the stated purpose. The system **must** fulfil its stated purpose and nothing more
- **Identification** quality image must be recorded of everyone entering the premises. This camera must be mounted at a suitable height - looking towards the persons face rather than down at the tops of their heads! Where practicable, this camera should be mounted internally and images **must** be colour.
- Cameras mounted at entry / exit doorways must be capable of producing DSTL **Identification** standard images at the monitor
- Particular attention must be given to lighting in the area of public access doors. The lighting must produce 'white light' to enable clear images and accurate colour rendition
- All cameras must provide a minimum standard of a High Definition 1920 x 1080 pixels (2 Megapixels) or better
- Cameras must be of sufficient sensitivity to enable them to operate as required under their normal working conditions and lighting levels. We are happy to accept both colour and black and white CCTV cameras when cameras are required to work under low lighting levels and should have built-in Infra-Red lighting
- External cameras should be capable of giving useable images under a variety of weather and lighting conditions. Integral Infra-Red lighting must be included. Careful consideration should be given to the type of cameras utilised in these locations as they may require additional housings and regular maintenance to ensure that the image quality is not degraded

All the components that make up the CCTV system must be up to the task stated in your O.R.

CCTV Monitor

- A monitor must be provided with the system to view live or recorded images

- The monitor must be capable of producing a High Definition 1080p resolution or better
- Premises may be advised to install an additional 'comfort' monitor. This monitor should **only** display images produced by the camera covering the area in which the monitor is located. It must not display images produced by any other camera located within the premises
- Any publicly viewable monitor must NOT display recorded images, on play back, ie the recorded images MUST NOT be visible to unauthorised persons and members of the public

Recording of CCTV Images

A CCTV user must not confuse the quality of the 'live' image as seen on the monitor with the image that is being recorded by the CCTV system.
The two could be very different in terms of quality and suitability for purpose.

One of the main reasons for installing a CCTV system is to produce evidence which may be used in Court

The images must therefore be recorded at all times relevant to the O.R analysis.

- Images must be recorded **digitally**. Systems recording onto VHS tape are **NOT acceptable**.
- **Images must be time and date stamped**
- The Digital recording system must have the facility to be **password protected** to ensure the integrity of captured images.
- The CCTV system should be capable of recording and retaining **30 days** of images before over-recording. The system must be set to automatically write over old image data.
- The system must record at a frame rate set to ensure the capture of all relevant images.

- The system must have duplex multiplexing facility or greater, enabling simultaneous image recording and playback.

There must be no interruption in recording during the playback process

- The system must incorporate a means of transferring images from the hard-drive to a format that can be played back on any compatible computer, complete with a 'player' automatically added to the export medium .

Security of CCTV Equipment

A CCTV camera recording the passage of people through a doorway will need to have its images recorded at a higher 'frame rate' per second than a camera recording activity within a large open space. This is because the camera recording passage of a person through a doorway will need to capture the images of a person who may only be in the camera's field of view for only a very limited period of time.

- The monitor and recording equipment should be located in a secure room to prevent unauthorised access, tampering, or removal of images. Where this is not practicable the recording equipment must be stored in a secure cabinet and be securely fixed so as to prevent easy removal from the premises.
- Where CCTV cameras are located at a height or in an area where they could be easily tampered with then vandal resistant dome cameras must be fitted.
- Power supplies to the CCTV equipment should not be such that they could be easily interrupted by unauthorized persons. The mains supply for the CCTV cameras and all other equipment in the system MUST be from a fused spur (NOT a switched fused spur). Ideally there should be an Uninterruptible Power (UPS) supply to keep the whole system fully operational for at least 10 minutes in the event of the mains supply being lost for any reason.

Training / System Management

- All persons required to operate the system and associated equipment must be given suitable training to enable them to do so effectively
- The client must appoint a Data Controller who will be responsible for the general administration, operation, maintenance and supervision of the system
- All users must be fully trained in the operation of the system and be made aware of their general legal responsibilities (including the Data Protection Act –

subject access), as well as being able to **download evidence material immediately on request from Police or other agency enforcement officers**

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Service / Maintenance Support

The system must be serviced to maintain the quality of images recorded.

The maintenance schedule should include:

- Periodic full system tests to measure performance against purpose.
- Confirmation of correct operation of equipment
- Inspection and cleansing of cameras
- Test and checking of the record process and data storage integrity

You should maintain a record of service visits and be able to demonstrate the date of the last service on request of an authorised officer.

CCTV and the Data Protection Act

All aspects of the CCTV system must comply with the Data Protection Act.

The Office of the Information commissioner has produced guidance in relation to how the Act should be interpreted. That guidance can be found and downloaded here:

http://www.ico.gov.uk/for_the_public/topic_specific_guides/cctv.aspx

You must register your CCTV system with the Information commissioner. The CCTV owner known as the Data Controller is responsible for registration and compliance. For a step by step guide to registration see:

http://www.ico.gov.uk/what_we_cover/data_protection/notification.aspx

Alternatively telephone the Information commissioner on 01625 545740 between the hours of 9.00am and 5.00pm, Monday to Friday.

The CCTV system installed **must** include appropriate signage and a data protection agreement.

CCTV signs that you use **must** contain data relevant to **YOUR CCTV** system for it to be legal.

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Signs must state purpose of scheme, and must give details of Data Controller (i.e. person's name or company's name) together with a contact telephone number or address.

Signage:

A4 size recommended CCTV signage - yellow background with black text.

Must be attached to the exterior of the building at, and adjacent to, all public access doors.

The sign should consist of a camera pictograph and the wording 'CCTV in Operation', the name of the premises, and a contact telephone number.

See Example:

Further A5 'repeater' signs should be located at strategic locations throughout the premises.

The Data Protection Act 2018 requires a 'fair processing statement' regarding the use of the CCTV system to be on public display. Good signage can meet this function if the signage is able to inform persons coming under CCTV surveillance of what and how the CCTV information is going to be processed. **You shouldn't be doing anything with personal information unless the individual to whom the data relates is made aware of the purpose.**

CCTV System Summary

Name and Address of Premises

Premises Licence holder:		Dated:	
Is the CCTV system registered with the Office of the Information commissioner?		YES	NO

Is their adequate and correct CCTV signage in place?	APPENDIX 3	
Is there at least one member of staff on duty able to operate the CCTV system?	YES	NO

CCTV Camera Summary Sheet

Camera number	Camera location
Camera 1	
Camera 2	
Camera 3	
Camera 4	
Camera 5	
Camera 6	
Camera 7	
Camera 8	
Camera 9	
Camera 10	
Camera 11	
Camera 12	
Camera 13	
Camera 14	
Camera 15	
Camera 16	
Camera 17	
Camera 18	
Camera 19	
Camera 20	

CCTV Hardware Summary (excluding Cameras)

Name and Address of Premises:	
Premises Licence Holder:	Date:

	APPENDIX 3
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CCTV Monitor/s

Location of CCTV Monitor/s:

Could images, on playback, be viewed by unauthorised persons?

YES

NO

If YES steps that need to be taken to prevent unauthorised viewing:

CCTV Recording Hardware

Location of CCTV Recording Hardware: CCTV Images MUST ONLY BE RECORDED AT ONE LOCATION.

How is the hardware to be secured from damage or theft?

Person inspecting system

Position of CCTV Camera and Operational Requirement Summary

N.B a separate sheet should be copied and completed for each camera location

Camera number:	Marked on separate floor plan: (Highlight as appropriate)			Yes	No
Location of camera within premises (Highlight as appropriate)	Doorway	Corridor	Room	Other	
	Additional detail:				

APPENDIX 3

Who / What / Where is being observed?			
Why is this activity being observed? (Success Criteria)			
Picture quality to be achieved at monitor. (Highlight as appropriate)	Recognition	Identification	
White Light Requirement – Entry / Exit door (Highlight as appropriate)	Yes	No	
Lighting condition under which camera will operate (comments):			
Additional Notes:			

Camera number:	Marked on separate floor plan: (Highlight as appropriate)			Yes	No
Location of camera within premises (Highlight as appropriate)	Doorway	Corridor	Room	Other	
	Additional detail:				
Who / What / Where is being observed?					
Why is this activity being observed? (Success Criteria)					
Picture quality to be achieved at monitor. (Highlight as appropriate)	Recognition		Identification		
White Light Requirement – Entry / Exit door (Highlight as appropriate)	Yes		No		
Lighting condition under which camera will operate (comments):					
Additional Notes:					

Position of CCTV Camera and Operational Requirement Summary

N.B a separate sheet should be copied and completed for each camera location

Camera number:	Marked on separate floor plan: (Highlight as appropriate)			Yes	No
Location of camera within premises	Doorway	Corridor	Room	Other	

APPENDIX 3

(Highlight as appropriate)	Additional detail:		
Who / What / Where is being observed?			
Why is this activity being observed? (Success Criteria)			
Picture quality to be achieved at monitor. (Highlight as appropriate)	Recognition	Identification	
White Light Requirement – Entry / Exit door (Highlight as appropriate)	Yes	No	
Lighting condition under which camera will operate (comments):			
Additional Notes:			

Camera number:	Marked on separate floor plan: (Highlight as appropriate)			Yes	No
Location of camera within premises (Highlight as appropriate)	Doorway	Corridor	Room	Other	
	Additional detail:				
Who / What / Where is being observed?					
Why is this activity being observed? (Success Criteria)					
Picture quality to be achieved at monitor. (Highlight as appropriate)	Recognition	Identification			
White Light Requirement – Entry / Exit door (Highlight as appropriate)	Yes	No			
Lighting condition under which camera will operate (comments):					
Additional Notes:					

CCTV Agreement

It is a condition of the Premises Licence attached to:

APPENDIX 3

Premises:

Premises Licence Number:

That a CCTV system be installed, operated and maintained to meet the requirements of the police and local authority.

The CCTV system at the premises will comply with the Operational Requirement and standards set out within this document in doing so it will continue to meet the requirements of the police and local authority.

Should the system develop a fault or for any reason fail to operate in accordance with this CCTV document you **MUST** inform the police and local authority licensing department immediately.

I understand that failing to abide by this CCTV operational document may lead to enforcement action and prejudice the Premise Licence.

I have authority to abide by and implement the above agreement:

Signed:	Date:
Print Name:	Position:

Notes

VIOLENT INCIDENT PROTOCOL APPENDIX 3

For the purpose of this protocol a violent incident is any incident where violence occurs or is threatened with an imminent expectation it would occur.

Each incident will be unique and should be dealt with on its own merits. Clearly use of weapons and serious injuries would require immediacy in contrast to threatening behaviour with the potential of escalation. Staff training should include obligations and expectations of responsibilities if such an incident occurs. This practice is guidance but does allow for the use of common sense.

Listed below are the minimum expectations of South Yorkshire Police on such occurrences at or near to licensed premises:

- Safety of members of the public including bar staff is paramount. Ensure your own safety as well as safety of others.
- Each premise should maintain an up to date incident book. At the soonest practicable time entries should be made in the book, detailing the incident and descriptions of persons involved. If possible names should be included. Also a brief account of what occurred. Details of any witnesses included would assist police investigations.
- If your premises have cctv, secure the footage. This will assist a police investigation.
- Telephone for assistance where required. Telephone the police/ambulance. It is appreciated that it may not be practicable to be seen to telephoning the police in the presence of aggrieved parties. This can however be managed by directing another staff member to leave the room to make the call. You may consider devising a coded message system or specific gestures with your staff. You should always telephone for assistance if persons have sustained visible injuries or appear hurt; let the police decide if further action is required.
- Consider preservation of potential evidence to assist a police investigation. Close off the area where the incident took place. If a weapon was used, leave this where left. Try to avoid touching anything. If there is blood left at the premises do not clean this up, leave it in place in the closed off area.
- The prevention of crime and disorder is one of the four licensing objectives. Staff should be vigilant and observant. It is appreciated that every violent incident cannot be prevented but your co-operation is required. The actions you take when dealing with an incident will support your due diligence.
- Please consider that injuries may be much more serious than they appear and what appears minor, may result in serious or a worst case, fatal injury.
- If CCRAC radio is utilised then circulate descriptions to cctv and other premises so that offenders can be traced and spoken to by police officers
- Review incident, identify any aggravating factors and implement any preventative measures, eg. the use of Pubwatch bans, regular clearance of empty bottles/glasses, improved lighting in that area, effective placing of overt cctv cameras.
- Wherever possible a member of staff should identify and retain any drinking vessel that has been used by the suspect for police recovery.

APPENDIX 3

REPRESENTATION AGAINST THE APPLICATION FOR A PREMISES LICENCE. **APPENDIX 3**

EAST HERRINGTHORPE PUB, LAUSDALE ROAD, ROTHERHAM, S65 3LG.

I am a Principal Licensing Officer employed by Rotherham Metropolitan Borough Council.

On behalf of Rotherham Council carrying out its functions as a Responsible Authority I wish to make representation in respect of an application for a premises licence for a premises located at Laudsdales Road, East Herringthorpe, Rotherham, S65 3LG.

The grounds of the representation are based on the four licensing objectives namely, the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

The applicant Mr. Roy Kwiatkowski submitted an application for a premises licence for a building which previously had the permissions of a Club Premises Certificate. The premises which formerly operated as East Herringthorpe Sports and Social Club had its certificate withdrawn by the Licensing Authority in April 2022 due to failing to operate as a qualifying club.

The applicant has stated the premises will be open daily as a local pub with food and drink offerings, television screens for news, music and sporting events with live and recorded music on weekend evenings.

The applicant has additionally stated the premises will be used as a venue for associated sporting teams.

The premises is large with two main bar and function areas capable of holding a significant number of people with the addition of a large customer car park and vast land at the rear of the premises containing benches and an additional mezzanine outdoor seating area.

The applicant has requested the sale of alcohol for consumption on and off the premises Sunday to Thursday 11.00am until midnight, Friday and Saturday 11.00am until 01.00.

The applicant has requested regulated entertainment between the hours Sunday to Thursday 11.00am until midnight, Friday and Saturday 11.00am until 01.00.

The applicant has further requested late night refreshment Sunday to Thursday until midnight, Friday and Saturday until 01.00.

The proposed opening hours of the premises are Sunday to Thursday 11.00am until 00.30, Friday and Saturday 11.00am until 01.30am.

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The applicant has requested non-standard timings to permit the sale of alcohol and regulated entertainment until 01.00 on Friday, Saturday, Sunday and Monday during Bank Holiday weekends, Christmas Eve, Boxing Day, New Years Day and All Saints Days,

The licensing service have previously received complaints relating to the premises whilst it was operating under the Club Premises Certificate.

The complaints have been made by residents living in the immediate locality and Police Officers. In October 2020 Licensing Officers visited the premises following a glassing inside the premises. Officers were made aware by Police Officers who further stated that upon their arrival at 01.15hrs approximately 100 people were outside, spilling into the car park and main road. It was additionally stated the car park was littered with bottles of alcohol and people were consuming alcohol in the surrounding streets.

The Police Officer stated she had spoken with a male who purported to oversee the premises. It was explained that he had stated unknown persons had forced their way into the premises and had proceeded to attack people inside and smash things.

In July 2021 following the reopening of the premises after a Coronavirus nationwide lock down the licensing service received a complaint from a resident. The resident stated Police Officers had attended the premises following a disturbance which had spilled out onto the surrounding streets. The complainant stated these persons were shouting, fighting and urinating in residents' gardens and hedges. The complainant described the premises at the time as a sports bar.

Whilst Licensing Officers were looking into the incident the Council's Community Protection unit spoke with officers relating to a complaint they had received of customers leaving the premises with pint glasses which were then discarded on the street and customers vomiting on the pavement.

On 1st March 2022 Licensing Officers became aware of a fight which took place at the premises on 12th February 2022. Officers visited the premises and spoke with one of the persons in charge. During the meeting it was stated that a person well known within the community had died on 11th February. The deceased's family had visited the scene of his death before going into the premises. The number of persons going into the premises was estimated at between 100 and 150. A couple of hours after they had entered the premises another male entered, and a fight broke out inside of the premises between this individual and many the deceased's relatives. The fighting continued within the car park and on the street with Police attending.

Licensing Officers were advised that staff members were frightened to work at the premises and were often in fear of violence. It was further stated that staff members had been advised to pull the shutters down on the bar when fighting breaks out and to lock themselves behind the bar for their own safety.

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Officers have viewed CCTV footage relating to the incident which took place at approximately 23.07hrs and have great concerns regarding both the seriousness of the incident and young children which were on the premises at the time. During the incident a child aged approximately 4 years old runs away from the immediate area whilst other children witness it and a female not involved is pushed to the floor.

It was accepted by the premises that children were present during this incident and had been inside of the premises on 12th March 2022 when a male had dropped a lock knife on the carpet inside. It was further stated by the premises that the children present in the premises are often the children of persons carrying weapons and who are involved in disorder.

Licensing Officers were further contacted on 11th March 2022 regarding a complaint that customers from the premises were shouting, arguing, fighting, and causing Anti-Social Behaviour within the immediate vicinity of the premises. The complainant did not wish to provide details through fear of repercussions.

This premises is cited in an area in which residential properties are negatively affect Should the premises licence application be granted this will have a negative impact on the licensing objectives and further contribute to existing issues already prevalent within the area including those of serious disorder.

The outside area of the premises becomes very busy with customers drinking outside on all days of the week – this area contributes to high levels of noise nuisance, anti-social behaviour and has had incidents of disorder. Should the applicant be granted a licence and the outside area be used this increase the adverse impact on residents within the locality and the likelihood for incidents of disorder.

During the consultation process the applicant put forward several conditions to be attached to the licence should it be granted, one of the proposed conditions related specifically to door supervision.

The applicant proposed the use of door staff be determined by the premises assessment of risk. This is not sufficient to ensure the licensing objectives are upheld and prevent a recurrence of disorder at this premises, particularly when considering the size of the premises and customers it attracts.

The Licensing Authority proposed conditions during the consultation period which have not been agreed by the applicant. The conditions proposed were deemed proportionate to the number of incidents, level of disorder and the effect the premises has on the quality of life for residents within the locality. The Licensing Authority further requested the applicant amend the operating schedule to the following opening hours 11.00 – 23.00 Monday to Sunday. Sale of alcohol and

APPENDIX 3

regulated entertainment 11.00 – 22.30 Monday – Sunday and late-night refreshment to be removed. This has not been agreed by the applicant.

The applicant has not contacted the Licensing Authority during the consultation period to discuss the conditions proposed or to clarify how he will ensure the licensing objectives are upheld.

I have no confidence that the licensing objectives will be upheld and am of the view that should the premises be granted a licence it will have a detrimental impact on local residents and contribute to serious disorder.

I will be able to deliver evidence at a Licensing Hearing if required.

A black rectangular redaction box covering the signature of Keeley Ladlow.

Keeley Ladlow

Principal Licensing Officer

Rotherham MBC



APPENDIX 3

From: GEMMA CARLTON-KEY

Sent: 19 July 2020 21:59

To: HELEN E COOPER <HelenE.Cooper@southyorks.pnn.police.uk>

Subject: Incident 74 19/07/20 - 14/107586/20 - GBH

Good evening Helen,

Please can I make you aware of the above incident. Reports of a glassing at East Herringthorpe Sports & Social Club, Laudsale Road, East Herringthorpe, Rotherham, S65 3LG.

Upon Officers arrival there were approximately 100+ people seen outside this location, spilling into the car park and onto the main road. There were bottles of alcohol everywhere on tables outside and people were continuing to drink alcohol in the street.

Clearly this was in breach of social distancing guidelines and was causing quite a nuisance to local residents at 01:15 hours in the morning.

I spoke with a male who identified himself as being in charge of the Club – [REDACTED] appeared to be under the influence of drink/drugs. [REDACTED] stated that he had had a "party" with no more than 30 people inside and that a large group of "unknown" persons had forced their way into the Club and started "attacking people inside" and "smashing suff up." [REDACTED] was adamant that there were no more than 30 people inside and that he had not been serving alcohol in glass bottles, even though this is the only items that were present inside and around the Club.

The concern is that [REDACTED] is not adhering to Government guidelines and that there will be further issues at this location.

PC 2078 STEAD is the OIC for the GBH – 14/107586/20

Kind regards

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

SYP Alerts offers information about local policing issues by text, email or voice message. Sign-up now at www.sypalerts.co.uk #SignMeUp

APPENDIX 3

From: no-reply@rotherhamgov.uk <no-reply@rotherhamgov.uk>

Sent: 12 July 2021 16:25

To: CPU-Admin <CPU-Admin@rotherham.gov.uk>

Subject: Community Protection Unit eform - 2559269

A customer has completed the Report Anti-Social Behaviour form.

Jadu system form reference number: 2559269.

Page: Your Details

- Title: [REDACTED]
- Full Name: [REDACTED]
- Address Line 1: [REDACTED]
- Address Line 2: East Herringthorpe
- Address Line 3: Rotherham
- Postcode: [REDACTED]
- Telephone Number: [REDACTED]
- E-mail Address: [REDACTED]

- Tell us about the issue: Police attended a disturbance again at East Herringthorpe Club last night that spilled out onto the surrounding streets with shouting ,fighting and urinating in residents gates and hedges . The club management seem to have no control over membership and allow anyone in It used to be a social club for the estate but since the Concert room has been filled with snooker tables it has become a Sports Bar of sorts
- What is the address/location of the issue? LAUDSDALE ROAD EAST HERRINGTHORPE S653LG

From: [REDACTED]

Sent: 25 February 2022 15:05

To: Rachael Winstanley Subject

Re: East Herringthorpe Club

[REDACTED]. Basically a 30 year old local lad died in a car crash on Friday 11th of February and all his mates and some family member met up the next day at [REDACTED] for a drink for him. They all ended up coming to club when I say all I'm talking 40 to 50 people. The lad that died had trouble with someone two weeks before he died and that lad walked into club that night laughing so a lot of [REDACTED]s started throwing punches at him. Then another lad said something and he got punched to the ground. Sent from my iPhone

On 21 Dec 2021, at 11:43, Rachael Winstanley wrote:

APPENDIX 3

Thank you all for meeting with me at the Club last Wednesday 15th December. Just wanted to email to follow up on the meeting. Here are the points that were raised.

- Tens applications for events that fall outside you operating as a club. Please find attached relevant forms and guidance around TENS should you want to submit any.
- Pub watch – you advised that [REDACTED] was going the following day – did he attend
- Challenge 25. You operate a challenge 25 policy – I have attached a form to be completed. It is just so that your staff are aware of the policy that you operate. (You can ignore the DPS part as you are a club rather than a licenced premises). Keep this behind the bar and make sure the staff know where it is so that they can produce it if requested. I also recommend that you put some more Challenge 25 posters up around the bar.
- The last meeting was held on the 3rd December and minutes were made.
 - You produced the club rule book – please ensure that you are familiar with this and that you are following your own club rules.
 - You informed me that you do not have a bank account. You keep the float on site and everything is paid for by cash. You provided your records showing the weekly takings and spendings on wages.
- Weekly takings are recorded.
 - The refusals book was available and had been completed.
 - You are going to get a financial statement prior to your general meeting in March 2021 and will make this available.

I also wanted to make you aware of a complaint that has been received which states that 'patrons are leaving the establishment with pint glasses in their hands and leaving them dotted around the streets' and 'patrons are throwing up on the pavements'. Please can you make sure that this is monitored – maybe a sign up saying no drinks to be taken outside/out of the seating area and just make sure that the bar staff are watching out for people leaving with them.

Also make sure that people are being refused if they are drunk and this is recorded in the refusals book.

[REDACTED]

Rachael Winstanley Senior Licensing Enforcement Officer Community Safety and Street Scene Regeneration and Environment Services Rotherham Metropolitan Borough Council Tel: 01709 255015 Fax: 01709 371149 Internal: 55015 Email: rachael.winstanley@rotherham.gov.uk Visit our website: <http://www.rotherham.gov.uk> Before printing, think about the environment

Application for the grant of a premises licence in respect of a Public House
Pub, Lausdale Road, East Herringthorpe, S65 3LG.

APPENDIX 3

Licensing Authority proposed conditions.

1. There shall be no change to the operating style of the premises without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for a full or minor variation or a new licence is required, and the holder shall comply with that direction.
2. The management of the premises will liaise with the Police and Local Authority on issues of local concern or disorder.
3. The Premises Licence Holder shall ensure that a personal licence holder is on duty at the premises at all times when licensable activity is being undertaken.
4. Customers shall not be permitted to take vessels containing alcoholic products outside of the interior of the premises after 22.00hrs.
5. Customers shall not be permitted to take vessels containing alcoholic products into the premises, and vessels containing alcoholic products shall not be allowed to be taken from the premises save for consumption in an area provided for that purpose.
6. Customers shall not be permitted to take vessels containing alcoholic products into the car park of the premises.
7. The licence holder shall ensure that consumption of alcohol is contained to the premises as defined on the plan.
8. The licence holder shall ensure regular glass collecting is undertaken within both the internal and external areas of the premises.
9. The use of glass alternative drinking vessels shall be utilised in accordance with the premises assessment of risk. The risk assessment must be documented, retained at the premises, and made immediately available for inspection by any Responsible Authority.
10. The licence holder shall ensure that regular checks are carried out outside of the premises to ensure that the area is free from litter, discarded items and nuisance behaviour associated with the operation of the business. Should nuisance behaviour be identified the licence holder shall notify the Police.
11. External speakers shall not be fixed to the exterior of the premises or used within the external area.
12. All external windows and doors must be kept closed whilst the premises are carrying out licensable activity save for access and egress.
13. An automatic door closer must be installed on all external doors to which the public have access.

14. Noise, vibration, or odours shall not emanate from the premises so as to cause nuisance to nearby sensitive properties.

15. The premises licence holder, DPS or suitably trained nominated staff member shall undertake regular monitoring of noise outside of the premises in the vicinity of the nearest residential property to ensure that noise associated with the premises is not at a level to cause nuisance.

16. 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.

17. No glass, materials or bottles shall be deposited in any skip, bin, or container of a like nature, located in the open air outside the premises between the hours of 21:00 and 08:00 and any such skip, bin or container shall not be removed from the premises between those hours.

18. Persons under the age of 18 years must always be accompanied and supervised by a responsible adult whilst they are on the premises.

19. Persons under the age of 18 years must not be permitted entry to the premises (including all external areas and customer car park) or permitted to remain on the premises after 20.00hrs.

20. All staff working at the premises in either a paid or voluntary capacity shall receive training in underage sales, serving to persons in drink, drug awareness, how to deal with abusive and aggressive customers, violent incident protocols, searching protocols, and how to safely seize an item.

21. Staff refresher training shall take place on an annual basis and be recorded.

22. New staff (either paid or voluntary) shall receive induction training at the commencement of their employment at the premises, including drug awareness, underage sales training, serving to persons in drink, how to deal with abusive and aggressive customers, violent incident protocols, searching protocols, and how to safely seize an item. This training shall be recorded.

23. All staff training records shall be retained on the premises, maintained by the DPS or Premises Licence Holder, and made available immediately for inspection upon the request of any Responsible Authority.

24. 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, details of the nature of the incident and names of any other staff involved or to whom the incident was reported.

25. This register shall be checked by the premises licence holder or DPS on a weekly basis, signed and made available immediately for inspection upon the request of any Responsible Authority.

26. The Premises Licence holder shall ensure that all incidents which may constitute a public nuisance are reported to an officer of the Police.

27. A refusal register shall be maintained and kept on site at all times to record all challenges and refusals 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.

28. This register shall be checked by the premises licence holder or DPS on a weekly basis, signed and made available immediately upon the request of any Responsible Authority.

29. The Premises Licence Holder shall ensure the premises operate a Challenge 25 age verification policy. Anyone who appears to be under the age of 25 must be required to produce photographic ID in the form of a driving licence, passport or identification with 'PASS' emblem on upon entry to the premises and at the bar.

30. A CCTV system shall be installed at the premises which has a 31-day recording capacity and be capable of downloading onto a portable storage device such as DVD or memory stick. The Premises Licence Holder shall ensure the system is always in operation.

31. The CCTV cameras shall cover the entirety of the premises, including the till area and all areas in which the public have access, this shall include all public external areas.

32. 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.

33. At least one current staff member and all members of management 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 Officer. Any footage requested shall be made available in any event within 24 hours.

34. The Premises Licence Holder shall ensure that a minimum of 4 door supervisors are on duty at the premises Friday and Saturday from 18.30hrs until the close of the business.

35. The Premises Licence Holder shall undertake a risk assessment for the use of door supervisors at all other times. Should it be determined that door supervisors are not required the licence holder shall detail the reasons for this decision within the assessment of risk.

36. The risk assessment shall be documented, retained at the premises, and made immediately available for inspection by any Responsible Authority. The risk assessment shall comply with any advice given by South Yorkshire Police or Council licensing officers in respect of door supervisors.

37. The Premises Licence Holder shall ensure that a documented search policy is implemented at the premises. The policy shall require a routine search at random of a customer entering the premises, this must include the use of a knife wand. The

APPENDIX 3

Premises Licence Holder shall regularly monitor the premises to ensure no one is re-entering the premises following a search should they re-enter a short time later. Any searches will be conducted by a person of the same sex.

38. Staff training is to be given in the correct procedure and search records to be retained in a bound book. All documentation shall be made available to any Responsible Authority on request.

39. The Premises Licence Holder shall ensure a minimum of 2 knife detection wands are readily available for the use of staff members.

40. In addition to random searching where there is reasonable suspicion that drugs (defined as Class A, B or C under the Misuse of Drugs Act), or weapons are being carried the Premises Licence Holder shall ensure that the outer clothing, pockets, and bags of these persons are searched, and a knife detection wand has been used.

41. Where controlled substances or weapons are found, the DPS or nominated person in their absence shall immediately be notified and inform the Police.

42. A clearly visible notice must be on display at the premises advising customers that the Police will be informed should anyone be found in possession of a controlled substance or weapon.

43. Controlled substances and weapons seized will be placed in a locked receptacle set aside for this purpose. The means of securing or accessing the receptacle will be retained by the DPS or another nominated responsible person. The DPS shall make suitable arrangements with the Police for the collection of any seized items.

44. A record shall be made of any seizure consisting of the time, date, item seized, by whom, and to whom the items were given to. This record shall be checked weekly and signed by the DPS or suitable trained nominated person and made available for inspection by any Responsible Authority on request.

45. The Premises Licence Holder shall ensure that regular checks are carried out in toilet areas of the premises to ensure the areas are free from nuisance behaviour and controlled substances. This check shall be documented and made available for inspection by any Responsible Authority.

46. The Premises Licence Holder shall ensure attendance at the local Pub Watch scheme meeting on a regular basis by either the DPS or nominated representative

APPENDIX 4

From: Leigh Schelvis <LSchelvis@john-gaunt.co.uk>
Sent: 15 July 2022 15:45
To: Diane Kraus <Diane.Kraus@rotherham.gov.uk>
Cc: Audrey Bailey <Audrey.Bailey@rotherham.gov.uk>
Subject: RE: East Herringthorpe Pub Laudsedale Road East Herringthorpe Rotherham South Yorkshire S65 3LG - Premises Licence

Hi Diane,

Further to your below email and its enclosed representations, we note that many of the objectors have concerns over the manner in which the premises was previously run by the East Herringthorpe Sports and Social Club Committee. Whilst Mr Kwiatkowski was the owner of the building, he played no part in the running of the club (nor the premises). The Committee, who previously ran the premises, no longer exists, and Mr Kwiatkowski will not be employing any members of the previous committee to run or even work in the premises, should the application be granted.

The premises will have an entirely new management team which will not be connected to the previous Committee.

We should be grateful if you could please circulate this to the objectors to see if this alleviates their concerns in this regard.

Kind Regards

Leigh Schelvis
Senior Solicitor

LSchelvis@john-gaunt.co.uk | www.john-gaunt.co.uk
T: 0114 266 8664 | **M:** 07703 730 836 | **F:** 0114 267 9613



Omega Court | 372-374 Cemetery Road | Sheffield | S11 8FT

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