

LICENSING SUB-COMMITTEE

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

Date: Wednesday 28 September 2022

Time: 9.30 a.m. to meet Town Hall
9.45 a.m. Site Visit
10.45 a.m. Meeting – Town Hall

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. Licensing Act 2003 - Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of the Premises Licence issued to Seasons (Wickersley) Ltd in respect of the premises known as Seasons Restaurant situated at 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW (Pages 3 - 87)

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Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 28th September 2022 (10:45 am – to follow site visit at 9:45 am)

Report Title

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of the Premises Licence issued to Seasons (Wickersley) Ltd in respect of the premises known as Seasons Restaurant situated at 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW

Report Author

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

Report Summary

On the 15th July 2022 an application was made to vary the terms, conditions, and restrictions of the Premises Licence currently in force in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW.

Representations to the application have been made by the local Ward Councillors, Wickersley Parish Council, and the Licensing Authority.

Further details on the application and the representations can be found within the body of this report.

Recommendations

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

List of Appendices Included

- Appendix 1 Licensing Sub Committee Decision of 5th August 2020
- Appendix 2 Current Premises Licence (P1111)
- Appendix 3 Location details
- Appendix 4 Rotherham MBC Cumulative Impact Policy
- Appendix 5 Application under consideration.
- Appendix 6 Site plan comparison
- Appendix 7 Representations received

Background Papers

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

Rotherham MBC Cumulative Impact Policy 2020 – 2023 (available at www.rotherham.gov.uk/licensing - also attached as Appendix 4)

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

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of the Premises Licence currently in force in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW.

1. Background

- 1.1 An application for the grant of a Premises Licence in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW was first made in June 2020. This application was subject to representations and therefore determined by the Licensing Sub-Committee on 5th August 2020. The Licensing Sub Committee granted the application subject to various conditions and a copy of their decision in full is attached at Appendix 1. A Premises Licence was issued in accordance with this decision.
- 1.2 In February 2022 an application for the “Minor Variation” of the Premises Licence was made. This application, which sought to allow small works to be carried at the premises and amend the layout plan of the premises to reflect these works, was uncontested. Given this the application was granted under Officer delegation.
- 1.3 A copy of the current Premises Licence issued in respect of the premises is attached at Appendix 2.

2. Key Issues

Location of the Premises

- 2.1 Attached at Appendix 3 to the report are plans showing the location of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW.
- 2.2 The premises lie within an area designated by the Council as being subject to the cumulative impact of a concentration of licensed premises. A copy the Council’s Cumulative Impact Policy is attached at Appendix 4.
- 2.3 The applicant has requested that the Sub-Committee attends a meeting at the site prior to the consideration of the application. This site visit has been arranged to take place at 9:45 am on the 28th September, the formal meeting of the Sub-Committee will take place following this visit at 10:45 am.

The application

- 2.4 On 15th July 2022 an application was made by Seasons (Wickersley) Ltd for the variation the Premises Licence issued to them in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW. A copy of the application is attached at Appendix 5. For ease of reference, a document that allows the current and proposed site layout is attached as Appendix 6 (this document did not form part of the application).

2.5 The application seeks to:

- i. Remove the following condition from the Licences:
 - a. The licence holder shall ensure that alcohol will be served to customers seated or to those waiting to be seated.
 - b. The licence holder shall ensure that the use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. A minimum of 3 SIA door supervisors will be employed to manage customers from Seasons and adjacent premises from 22:00hrs on Friday and Saturday evenings when the Courtyard is open and trading.
 - c. The licence holder shall ensure that the premises shall operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a restaurant meal.
- ii. Add the following conditions to the Licence:
 - a. Save for occasions when the area is being utilised for a private pre-booked function. Customers in the restaurant areas and any external area of the premises (non-hatched on the deposited plan) shall remain seated when consuming alcohol.
 - b. Customers in the area hatched on the deposited plan shall be permitted to stand while consuming beverages. The number of customers permitted to stand in this area shall not exceed 20 persons (excluding dining guests).
- iii. Update the approved layout plan to add hatching as per the above-proposed condition.
- iv. Reduce the terminal hour to for the retail sale of alcohol on each of the days Monday to Thursday from 24:00 hours (Midnight) to 23:00 hrs. However, the applicant seeks to retain the midnight terminal on each of the days Monday to Thursday for private events (these could be unlimited), on New Year's Eve and on Bank Holiday Mondays.

2.6 The Sub Committee should note that with regard to the provision of door supervisors at the premises, the operating schedule states:

"The licence holder shall ensure that whilst it is considered that for the nature of the operation door supervisors will not be required however, a risk assessment will be undertaken should unusual events take place and if they consider it appropriate will employ the same".

Consultation

- 2.7 Consultation on the application has been carried out on the application in accordance with all statutory requirements and the Council's procedure. There is a prescribed period of 28 days following the submission of an application during which time representations in relation to the application may be submitted.
- 2.8 At the end of the prescribed period, three representations had been received.

Representations received

- 2.9 Three letters making representations to the application have been received from the local Ward Councillors, Wickersley Parish Council, and the Licensing Authority in their role under the Licensing Act 2003 as a Responsible Authority. Full details of the representation can be found at Appendix 7.
- 2.10 All parties making representations to the application have been invited to the hearing today and, if attending, will be given the opportunity to address the Sub-Committee in relation to the matters raised in their representations.
- 2.11 Members of the Sub-Committee should give full consideration of the issues raised in the representations when determining the application.

Additional Information

- 2.12 At the time of writing no additional information in support of the application or the representations has been received. Any additional relevant documentation received prior to the date of the hearing will be circulated at the hearing. Documentation received on the day of the hearing may only be considered by the Licensing Sub Committee with the consent of all relevant parties.

Delay in Determination by the Licensing Sub Committee

- 2.13 A request to delay consideration of the application to a date after 26th September 2022 was received from the applicant. Given that the applicant would be prejudiced by a delay, the request was agreed.

Important considerations in relation to Regulated Entertainment

- 2.14 As there is a possibility that live and/or recorded music may be provided at the premises, it is important that the following information is brought to the attention of the Licensing Committee.
- 2.15 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.

2.16 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?

2.17 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.

2.18 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.

- 2.19 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.
- 2.20 If the Licensing Committee grant the licence, and the licence includes permission for the retail sale of alcohol, then any live or recorded music taking place at the premises (subject to the above requirements) will not be licensable between the hours of 0800hrs and 2300hrs. In addition, any conditions that are applied to live or recorded music will not be effective during these hours (subject to certain conditions being met). Further detail in relation to conditions is contained within section 3 of this report.

3. Options available to the Licensing Sub-Committee

- 3.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 3.2 In considering this matter, the Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement. In relation to this application, the options available to the Committee are:
- To grant the variation of the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Panel may modify to such extent as they consider appropriate; or
 - To reject the whole or part of the application for variation (which may include the omission of certain licensable activities from the licence).
- 3.3 The statutory guidance makes it clear that Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a

case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

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

Conditions

- 3.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in

question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

- 3.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

Proposed conditions

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

Consistency with steps described in operating schedule

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

Imposed conditions

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

Proportionality

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

4. Timetable and Accountability for Implementing this Decision

- 4.1 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.
- 4.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 4.3 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).

5. Financial Implications

- 5.1 There are no specific financial implications arising from this application.
- 5.2 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.

6. Legal Advice and Implications

- 6.1 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.
- 6.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005 (as amended).
- 6.3 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.
- 6.4 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 directly, but has heard or read about.
- 6.5 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.
- 6.6 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.

- 6.7 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).
- 6.8 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.

7. Risks and Mitigation

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.

8. Accountable Officer(s)

Alan Pogorzelec, Licensing Manager, Community Safety and Street Scene

Hearing Procedure

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

Notes:

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

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LICENSING ACT 2003 – Section 23

Rotherham MBC Licensing Sub-Committee – Wednesday 5th August 2020

Notice of determination of application for the grant of premises licence in relation to Seasons Restaurant, 151 – 152 Bawtry Road, Wickersley, Rotherham, S66 2BW

To: John Gaunt & Partners, Omega Court, 372 Cemetery Road, Sheffield, S11 8FT (acting on behalf of Seasons Restaurant Ltd, 39 – 43 Bridge St, Swinton, Mexborough, S64 8AP)

Written reasons and determination of the Sub-Committee

The Sub-Committee considered the application for a Premises Licence under the provisions of the Licensing Act 2003. The application was made on behalf of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW.

The Applicant was seeking the grant of a licence in order to permit the provision of late-night refreshment and the sale of alcohol for consumption on and off the premises.

Mr. Green was in attendance on behalf of the Applicant Company and they were represented by Mr. Grunert, Solicitor. The hearing took place via Microsoft Teams.

Following the presentation of the report the Sub-Committee heard from each of the objectors in attendance.

The representations made by the Licensing Authority as a Responsible Authority were withdrawn. Having considered the significant list of conditions proposed and agreed by the Applicant it was felt that the concerns raised within the representation had been addressed.

Councillor Ellis was in attendance on behalf of the Wickersley Ward and set out full details as to her objections. The key points as to the objections were as follows:

1. The restaurant was to open every day of the week, all year round and therefore there would be no let up for local residents, only on the 3rd June did the Council adopt the cumulative impact zone for Wickersley.
2. Crime and disorder – it was accepted that figures for crime had reduced in 2019 but it was the view of residents that the figures were not an accurate reflection and were grossly under reported. The Sub-Committee were told about an occasion where there was a period in 2018 when Atlas Court was overwhelmed by calls and had to shut down and therefore calls to report

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crimes would have been missed. In the Courtyard the crime rate was actually tripling when in the rest of Wickersley the crime rate was reducing.

3. Prevention of public nuisance – the Sub-Committee were told that this was the area of most concern when the consultation for the cumulative impact policy took place. Specific reference was made to anti-social behaviour, noise nuisance, littering and general public nuisance. The noise was said to go on until the early hours of the morning along the 300m stretch where ten licensed premises were situated. The ability for residents to enjoy their weekend leisure has been taken away. Litter was also set out as a problem in respect of empty cans and bottles and broken glass.
4. Public Safety – The concern regarding public safety centred on the busy dual carriageway that was nearby and the issue of parked cars which made it difficult to cross the road safely. It felt that the premise would add to this problem.
5. The Sub-Committee were advised that feedback had been received from residents during the period of lockdown and the view was that they had enjoyed their first nice summer in years as the licensed premises were closed. Even when premises re-opened, with restrictions, there were still issues within Wickersley with Police having to be called.
6. Finally, the Sub-Committee's attention was drawn to what factors could not be considered when deciding whether to grant a licence in a cumulative impact zone. They were urged to reject the application.

Mr. Thirlwall was in attendance on behalf of Wickerlsey Parish Council. The key points to the objections from the Parish Council were as follows:

1. The Applicant premise was within a cumulative impact zone which was introduced by RMBC following extensive consultation with the main concern being noise nuisance. The Parish Council were also in the final stages of their neighbourhood plan. The overwhelming view was that there were too many licensed premises. The Sub-Committee were asked to consider what sort of message it would send if the views of residents were now ignored and a licence granted.
2. The Sub-Committee were told that the concern was that premises appear to obtain a licence with subjective conditions with wriggle room for a later date and that the proposed conditions were ambiguous, imprecise and essentially worthless. There was therefore a very strong objection to the application.
3. In the unlikely event that the licence was granted the Parish Council asked the Sub-Committee to attach a list of 11 conditions which were emailed to all

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parties at the end of the public meeting, before the Sub-Committee deliberated in private.

Mr. Postlethwaite was in attendance as a local resident of 33 years. He explained to the Sub-Committee that he had witnessed a steady increase in drinking establishments in the area and an associated increase in Anti-social behaviour, vandalism, parking and nuisance. He told the Sub-Committee that he had attended a local meeting some time ago where it was discussed that there were too many drinking establishments in the village. Mr. Postlethwaite stated that he had no specific problem with Seasons but believed it would add to the existing problems. He had seen a number of premises marked as food, only to then months later see them operating as a bar.

The Chair also referenced the written representations made by local residents who were not in attendance.

Questions were asked of the Objectors by Mr. Grunert. Through those questions he clarified the following points:

1. The reference to crime figures tripling at the Courtyard was not information contained within the Cumulative Impact Policy.
2. There was no ban in respect of a new licence being granted in a Cumulative Impact Zone.
3. The view of the Parish Council was that it was inconceivable that a fine dining restaurant could also operate as essentially a takeaway and off-licence and any such conditions could be dumbed down.

The Sub-Committee then heard representations on behalf of the Applicant.

Mr. Grunert addressed the Sub-Committee and began by reminding them that they were not dealing with a review of Mr. Green's other premises, The Courtyard, despite the fact it had been mentioned a number of times. He also emphasised to the Sub-Committee that there was no intention to tear down the Cumulative Impact Policy and the hope was to meet and address it. Mr. Green's background was explained to the Sub-Committee as was the concept behind the restaurant and proposals, with food being the star and alcohol being served to compliment.

The Sub-Committee were directed to page 28 of the application, which set out the description of what the Applicant intended the premise to be. The Applicant felt it was unfair that it had been implied that it was all a façade to then later open as a bar.

The Sub-Committee were told that the Applicant understood that when considering the grant of a licence in a cumulative impact zone they could not consider the high specification of the premise as a factor. However, the high specification of the

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kitchen was relevant given that it had been implied that the concept was a façade. Mr. Grunert explained that the kitchen was going to cost between £90,000 and £120,000 and required an enhanced electrical supply, the premise would be a restaurant and in the event it was sold the layout could not be altered without scrutiny or consultation.

Mr. Grunert then addressed the specific representations that had been made. He told the Sub-Committee that there was no evidence as to why noise would be an issue from the premise. Customers would be sat dining, music would be at all times background music and a condition had been agreed for no speakers in the external area. Customers dining and eating a meal and preparation from the kitchen would not cause a noise nuisance. The external dining would also be subject to weather conditions.

The Sub-Committee were informed that the lower external area was currently used by The Courtyard Bar, in addition to the upper area. The lower area would instead be used by Seasons customers which would in fact reduce capacity. At the present time the area had capacity for 30/40 customers to stand, this would change with Seasons accommodating four tables with four seats at each table. This would be a 60% reduction in capacity and would be seating only. There would therefore be a positive impact when considering the cumulative impact as there would be a considerable reduction in those using the lower external area.

The Applicant recognised that there was an issue in Wickersley with movement around the area and the need for a Cumulative Impact Policy. However, they did not accept that just because capacity was being created it would automatically lead to additional people in the area. The issue with litter could not be challenged but it was not for the Applicant to address that issue and make it disappear. Conditions had been agreed to assist with the issue and the delivery service suggested would be more in the way of a catering service than a hot food takeaway service.

The position surrounding door staff was explained to the Sub-Committee in that a condition had been agreed that Seasons, when trading externally, would ensure three SIA door staff. This would not be in addition to those provided by The Courtyard premises, the difference being that the Courtyard did not have a specific condition on their licence stating the number they should provide. Therefore, should the Courtyard decide to provide less than three, Seasons would be responsible for ensuring there were always a minimum of three present when trading externally. It was unusual for a restaurant to have such a condition, but the Applicant had agreed.

The Applicant had engaged with SYP, Environmental Health and the Licensing Authority. As a result, additional conditions had been agreed and there had been no opposition by the Responsible Authorities as a result of that engagement.

APPENDIX 1

In respect of public safety there had been no issues identified with the safety of the premises. Comments had been made regarding the proximity to the busy road. This was not directly outside the premises, there was a crossing infrastructure, barriers and a under road walkway. This was the Council's responsibility, whether or not a person was impaired by alcohol.

The Sub-Committee were told that the Cumulative Impact Policy did not raise an issue with regards to the protection of children from harm and therefore there was nothing to suggest that the premises would cause a danger to children.

Mr Green also addressed the Sub-Committee and reassured them that the premise was to be 1000% a restaurant and nothing else. He also addressed the issue of dispersal which had been raised in the Cumulative Impact Policy in that he had entered into a contract with A1 taxis in order to ensure that Seasons customers were able to leave the area safely and quickly and he had taken a lease on a piece of land to the rear of the Gaslamp to begin on 1st October which would hold twenty vehicles.

The Applicant and his representative were asked questions by the Sub-Committee and Objectors present. They clarified the following points:

1. Drinking vessels used outside would be glass. This had been discussed at length when considering additional conditions, but the use of plastic would not be in keeping with the concept. Vertical drinking would not be taking place in the external area and therefore it was agreed that the glasses would be cleared away promptly and there would be a member of staff monitoring the area.
2. The external area would not be an overspill area for drinking and would be for dining with 16 covers only, this could be placed in the conditions if felt appropriate. There would be no vertical drinking in the external area.
3. The hours in the application had in fact been varied to match the planning authorisation but that had not made its way into the report.
4. The premise occupied by the Butchers had been vacant for two years, the tattoo shop had relocated about a year ago and the beauty premises chose to end their lease in May as they did not want to pay rent when not trading during lockdown, the lease was due to end in November. Two businesses had therefore ceased trading and were not viable as suggested.
5. The Applicant did not agree that no vertical drinking at all was needed, for example there may be a situation where the waiting area was full or only a certain number of the party could sit in the waiting area and others would stand, the point was that alcohol would only be served to those waiting to be seated and this was clear in the conditions.

APPENDIX 1

6. It was suggested that the restaurant could operate without a licence and customers could bring their own alcoholic drinks. The Applicant stated that this would not be in keeping with the concept and it was not unreasonable to want to serve alcohol alongside a meal.
7. The first challenge point for door staff would be at the mouth of the Courtyard area. Customers for The Courtyard would not be walking through Seasons dining area.
8. The Applicant clarified that it was not a matter of trust but that 33 additional conditions had been agreed and they were enforceable by law and not just a promise.

Mr. Grunert summed up the application for the Sub-Committee and asked them to consider that the premises was almost entirely food led, the policy could not be overcome and the test was whether the premises would add to the issues identified, the Applicant had gone to great lengths to consider the policy and had also addressed dispersal issues. The Sub-Committee were asked to grant the application considering the measures agreed and that in implementing those measures the premise would have a positive impact on the issues identified within the policy.

The Sub-Committee considered all written and oral representations that had been made and considered the application in accordance with the following licensing objectives:

1. The prevention of crime and disorder
2. Public safety
3. The prevention of public nuisance
4. The protection of children from harm

They also took into account that the premise was located within a Cumulative Impact Zone and whether in granting a licence to the Applicant the premise would then exacerbate the issues identified.

The Sub-Committee took into account the measures that had been suggested by the Applicant and agreed by both SYP and the Licensing Authority. They also gave significant weight to the fact that the Responsible Authorities did not oppose the application. SYP and the Licensing Authority were satisfied that the conditions agreed addressed their concerns and that the granting of a licence would not undermine the promotion of the licensing objectives and would not further impact negatively upon the cumulative impact of existing licensed premises.

APPENDIX 1

The Sub-Committee did agree that the premise would not have a negative impact given the proposed use of the lower external area as set out within their representations and that as a result there would be a significant reduction in the number of people in that area and a 100% reduction in vertical drinking in the lower external area used by Seasons.

The Sub-Committee were satisfied that the concerns raised by the Objectors would be sufficiently addressed by the agreed conditions.

The Sub-Committee took the view that the premise was not alcohol led and based upon what they had heard they were satisfied that it was a food-led business. They also took account of the size of the premise and as set out above the conditions agreed in terms of the way in which the business would operate. The Sub-Committee were particularly impressed with Mr. Green's commitment in leasing the land behind the Gaslamp and securing a contract with A1 taxis and they felt that he had gone above and beyond to address the concerns raised within the Cumulative Impact Policy.

Having considered all representations the Sub-Committee were satisfied that in granting the licence the premises would not impact any further upon the cumulative impact of existing licensed premises.

The decision of the Sub-Committee was therefore to grant the application for a premises licence made on behalf of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, S66 2BW. The licence would be subject to the conditions suggested within the application and also the following additional conditions as agreed with SYP and the Licensing Authority (set out in full for the avoidance of doubt):

1. There shall be no change to this operating style 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 premises shall operate primarily as a restaurant. The sale of alcohol without food will always remain as an ancillary part of the main use of the premises as a restaurant. The premises will not operate exclusively as a bar.
3. Non-intoxicating drinks shall be available at all times the premises are trading.
4. Orders for substantial food shall be accepted up to 1 hour before closure.
5. Staff will receive training on matters concerning underage sales, drugs policies and operating procedures.

APPENDIX 1

6. The sale of alcohol for consumption off the premises shall be in a sealed vessel other than for alcohol consumed within any external area provided for that purpose by the premises.
7. Glassware can be used by customers sitting in the outside seating area and a member of staff will be responsible for service in this area and the clearing of glasses for that area.
8. The use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor.
9. The management of the premises will liaise with police on issues of local concern or disorder.
10. CCTV shall be provided in the form of a recordable system. Cameras shall encompass all points of public ingress and egress to the premises and provide comprehensive coverage of all internal area to which the public have access (save for toilets). Equipment shall be maintained in good working order and correctly timed and dated. The licence holder shall take reasonable steps to ensure prompt repairs are carried out as and when required. Recordings will be available for a period of 28 days and handed to Police on receipt of a legal request which accords with Data Protection laws from time to time. The recording equipment shall be kept secure and under the control of the Premises Licence Holder or other responsible named individual.
11. To comply with the reasonable requirements of the fire officer from time to time.
12. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
13. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
14. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
15. Toughened glasses will be used in the premises where appropriate.
16. Fire Exits and means of escape shall be kept clear and in good operational condition.
17. No hot food is to be provided for consumption off the premises after 23:00 hours.
18. No glass or 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.
19. Notices shall be prominently displayed at the exits requesting customers to respect the needs of local residents and to leave the premises quietly.

APPENDIX 1

20. Noise, vibration or odours shall not emanate from the premises so as to cause a nuisance to nearby sensitive properties
21. The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years (Challenge 25)
22. Alcohol will be served to customers seated or to those waiting to be seated.
23. The premises shall operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a restaurant meal
24. A 'greeter' shall be employed at Seasons on Friday and Saturday evenings from 20:00hrs until close. The 'greeter' will principally be located in the restaurant's waiting area.
25. The use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. A minimum of 3 SIA door supervisors will be employed to manage customers from Seasons and adjacent premises from 22:00hrs on Friday and Saturday evening when the Courtyard is open and trading.
26. In addition to the above, the premises will prepare a written risk assessment for the day to day operation of Seasons addressing the conduct and safety of the restaurant's customers. This risk assessment shall be available for inspection by Responsible Authorities upon request.
27. When external areas are being utilised for dining and / or consumption of alcohol by Seasons' customers, a specific member of staff shall be instructed to monitor external areas and remove empty/unrequired glassware from external tables.
28. The use of non-glass drinking vessels in external areas shall be in accordance with the management's written assessment of risk.
29. All staff employed at the premises for the purpose of selling or delivering alcohol shall receive training in connection with prevention of underage sale and ID verification in accordance with a 'Challenge 25 policy'.
30. Where third party agents are utilised for the purpose of delivering food and alcohol orders, the licence holder shall require evidence that delivery staff have received training in connection with prevention of underage sale and ID verification in accordance with a 'Challenge 25 policy'.
31. No drinks to be removed from the premise sealed or unsealed, with the exception of:
 - i) for consumption within the area provided for that purpose
 - ii) for home delivery, ancillary to a food order.

APPENDIX 1

- iii) for takeaway pre-ordered by a customer, ancillary to a food order
(walk up order will not be accepted by the premises)."

32. No external speakers shall be fixed to the exterior of the premises.

Dated: 7th August 2020

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[illegible]

151 - 152 Bawtry Road, Wickersley, Rotherham, South Yorkshire, S66 2BW.

Not applicable

- provision of late night refreshment
- the sale by retail of alcohol

Activity (and Area if applicable)	Description	Time From	Time To
Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	Midnight
The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Friday	11:00am	Midnight
	Saturday and Sunday	10:00am	Midnight

Description	Time From	Time To
Monday to Sunday	8:00am	12:30am

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

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

Seasons (Wickersley) Ltd

39 - 43 Bridge Street, Swinton , Mexborough, Rotherham, S64 8AP.

Seasons (Wickersley) Ltd

11581232

Printed by LalPac on 29 Mar 2022 at 14:48



**Licensing Act 2003
Premises Licence**

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

Licence No. GLPER/0899

Issued by Gloucester



Licensing Act 2003 Premises Licence

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ANNEXES

Mandatory Conditions

All Premises Licence authorising supply of alcohol

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

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



Licensing Act 2003 Premises Licence

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ANNEXES continued ...

vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

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

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

Minimum Drinks Pricing



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ANNEXES continued ...

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula -

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

Where -

 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.



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ANNEXES continued ...

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

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

Annex 2 Conditions consistent with operating schedule

General

1. The licence holder shall ensure there shall be no change to this operating style 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



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ANNEXES continued ...

formal application for a full or minor variation or a new licence is required, and the holder shall comply with that direction.

2. The licence holder shall ensure the premises shall operate primarily as a restaurant. The sale of alcohol without food will always remain as an ancillary part of the main use of the premises as a restaurant. The premises will not operate exclusively as a bar.
3. The licence holder shall ensure that non-intoxicating drinks shall be available at all times the premises are trading.
4. The licence holder shall ensure that orders for substantial food shall be accepted up to 1 hour before closure.
5. The licence holder shall ensure that staff will receive training on matters concerning underage sales, drugs policies and operating procedures.

Prevention of Crime and Disorder

6. The licence holder shall ensure that the sale of alcohol for consumption off the premises shall be in a sealed vessel other than for alcohol consumed within any external area provided for that purpose by the premises.
7. The licence holder shall ensure that glassware can be used by customers sitting in the outside seating area and a member of staff will be responsible for service in this area and the clearing of glasses for that area.
8. The licence holder shall ensure that the use of door staff will be risk assessed on an ongoing basis by the licence holder of premises supervisor.
9. The licence holder shall ensure that the management of the premises will liaise with police on issues of local concern or disorder.
10. The licence holder shall ensure that CCTV shall be provided in the form of a recordable system. Cameras shall encompass all points of public ingress and egress to the premises and provide comprehensive coverage of all internal area to which the public have access (save for toilets). Equipment shall be maintained in good working order and correctly timed and dated. The licence holder shall take reasonable steps to ensure prompt repairs are carried out as and when required. Recordings will be available for a period of 28 days and handed to Police on receipt of a legal request which accords with Data Protection laws from time to time. The recording equipment shall be kept secure and under the control of the Premises Licence Holder or other responsible named individual.
11. The licence holder shall ensure that alcohol will be served to customers seated or to



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ANNEXES continued ...

those waiting to be seated.

12. The licence holder shall ensure that the premises shall operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a restaurant meal
13. The licence holder shall ensure that a 'greeter' shall be employed at Seasons on Friday and Saturday evenings from 20:00hrs until close. The 'greeter' will principally be located in the restaurant's waiting area.
14. The licence holder shall ensure that the use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. A minimum of 3 SIA door supervisors will be employed to manage customers from Seasons and adjacent premises from 22:00hrs on Friday and Saturday evening when the Courtyard is open and trading.
15. The licence holder shall ensure that in addition to the above, the premises will prepare a written risk assessment for the day to day operation of Seasons addressing the conduct and safety of the restaurant's customers. This risk assessment shall be available for inspection by Responsible Authorities upon request.
16. The licence holder shall ensure that when external areas are being utilised for dining and / or consumption of alcohol by Seasons' customers, a specific member of staff shall be instructed to monitor external areas and remove empty/unrequired glassware from external tables.
17. The licence holder shall ensure that the use of non-glass drinking vessels in external areas shall be in accordance with the management's written assessment of risk.
18. The licence holder shall ensure that all staff employed at the premises for the purpose of selling or delivering alcohol shall receive training in connection with prevention of underage sale and ID verification in accordance with a 'Challenge 25 policy'.
19. The licence holder shall ensure that where third party agents are utilised for the purpose of delivering food and alcohol orders, the licence holder shall require evidence that delivery staff have received training in connection with prevention of underage sale and ID verification in accordance with a 'Challenge 25 policy'.
20. The licence holder shall ensure that no drinks to be removed from the premise sealed or unsealed, with the exception of:
 - i) for consumption within the area provided for that purpose
 - ii) for home delivery, ancillary to a food order.



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ANNEXES continued ...

- iii) for takeaway pre-ordered by a customer, ancillary to a food order (walk up order will not be accepted by the premises)."

21. The licence holder shall ensure that no external speakers shall be fixed to the exterior of the premises.

Public Safety

22. The licence holder shall ensure they comply with the reasonable requirements of the fire officer from time to time.
23. The licence holder shall ensure that the premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order.
24. The licence holder shall ensure that staff will be trained on matters of safety, evacuation and use of emergency equipment as required.
25. The licence holder shall ensure that spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff.
26. The licence holder shall ensure that toughened glasses will be used in the premises where appropriate.
27. The licence holder shall ensure that Fire Exits and means of escape shall be kept clear and in good operational condition.

Prevention of Public Nuisance

28. The licence holder shall ensure that no hot food is to be provided for consumption off the premises after 23:00 hours.
29. The licence holder shall ensure that no glass or 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.
30. The licence holder shall ensure that notices shall be prominently displayed at the exits requesting customers to respect the needs of local residents and to leave the premises quietly.
31. The licence holder shall ensure that noise, vibration or odours shall not emanate from the premises so as to cause a nuisance to nearby sensitive properties.

Protection of Children from Harm



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Premises Licence**

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ANNEXES continued ...

32. The licence holder shall ensure that the premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 25 years (Challenge 25)

Annex 3 Conditions attached after a Hearing of Licensing Authority

As above

Annex 4 Plans

Attached Plan ref: 25290 A drawing 10 B



Licensing Act 2003 Premises Licence Summary P1111

Premises Details

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

Seasons Restaurant

151 - 152 Bawtry Road, Wickersley, Rotherham, South Yorkshire, S66 2BW.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
Late night refreshment (Indoors & Outdoors)	Monday to Sunday	11:00pm	Midnight
The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Friday	11:00am	Midnight
	Saturday and Sunday	10:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	12:30am

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Seasons (Wickersley) Ltd 39 - 43 Bridge Street, Swinton , Mexborough, Rotherham, S64 8AP.

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

Seasons (Wickersley) Ltd 11581232

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

Madalin Catalin MATU

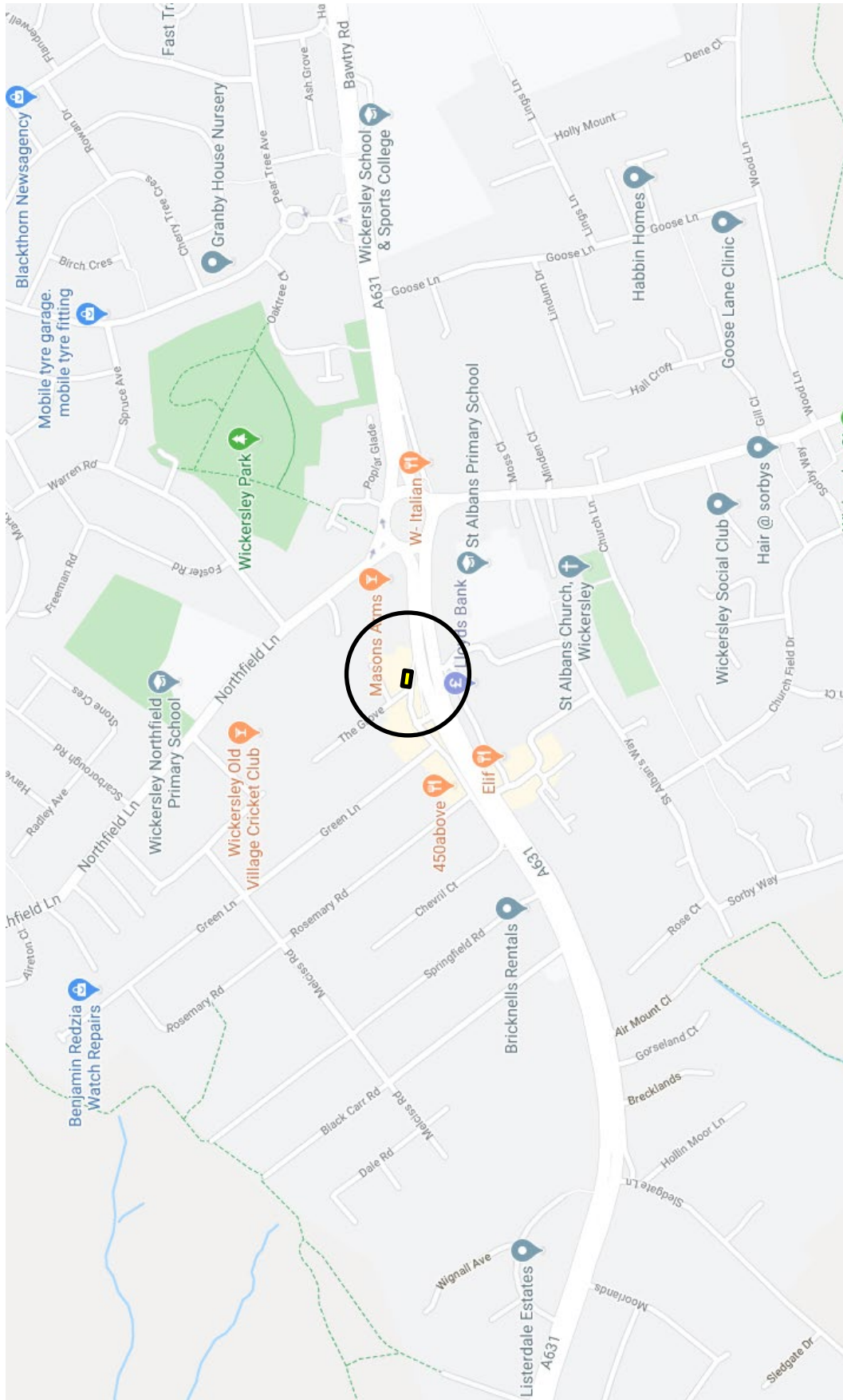
STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



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APPENDIX 3



APPENDIX 3



APPENDIX 3



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APPENDIX 4

Rotherham Metropolitan Borough Council

Cumulative Impact Policy 2020-2023

Licensing Act 2003

APPENDIX 4

Background

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

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

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

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

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

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

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

APPENDIX 4

Implementing a Cumulative Impact Assessment

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

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

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

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

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

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

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Evidencing a Cumulative Impact Assessment

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

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

Public Health Licensing Toolkit:

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

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

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

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

Police and Crime Data:

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

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

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

Community Protection and Regulation Data:

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

Public Consultation:

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

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

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

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

1. Rotherham Town Centre
2. Wickersley

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

Rotherham Town Centre:

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

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

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

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

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

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

Wickersley:

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

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

In recent years, Wickersley has become an urban centre with a significantly increased range and number of licensed premises. The area attracts a large amount of people from across the borough and surrounding areas of South Yorkshire. Currently, the density of premises within Wickersley West LSOA is 37.6 premises per square kilometre (pkm^2). Across the broader Middle Super Output Area (MSOA) of Bramley and Wickersley, the average density is 12.7 pkm^2 , whilst the average across the borough is 2.2 pkm^2 . The MSOA covering Rotherham Town Centre has a density of 23.6 pkm^2 , which suggests that proportionately, Wickersley's evening economy is the busiest within Rotherham.

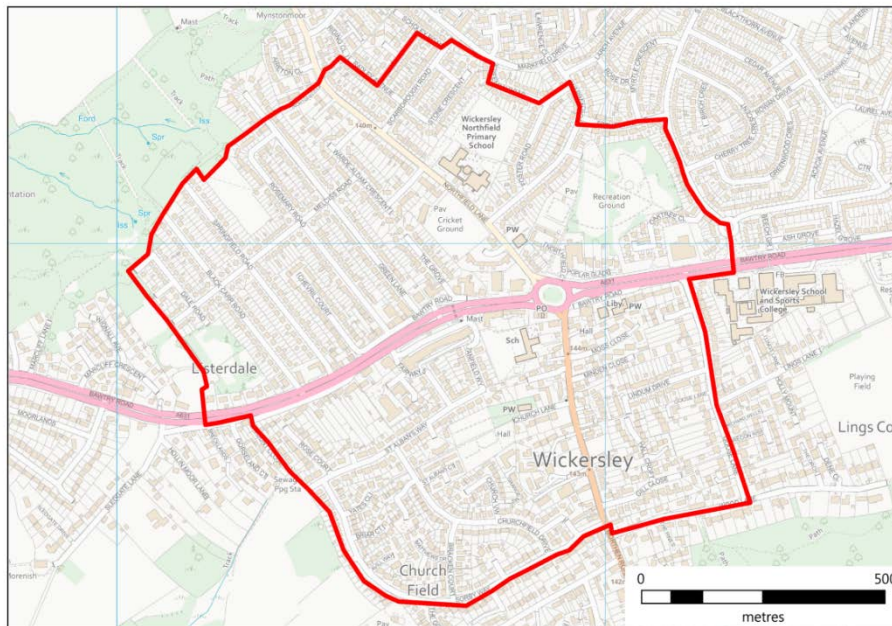
However, the centre does not have the required infrastructure to deal with a large and sustained night-time economy, and the current number of licensed premises is negatively impacting the largely residential properties that are in close proximity to designated retail space.

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

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

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Wickersley Cumulative Impact Assessment



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

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

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

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

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

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

1. Public Safety

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

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

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

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

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2. Prevention of public nuisance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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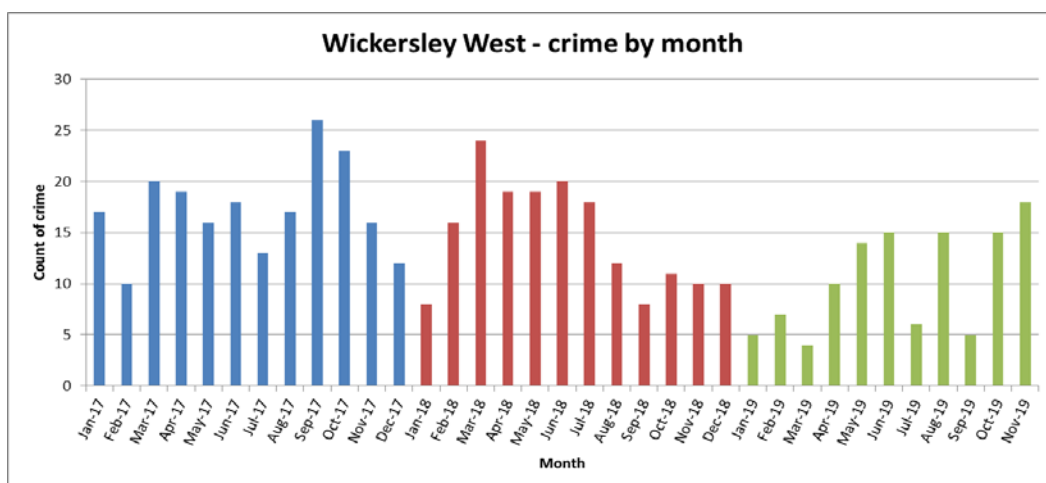
“There is a lot of waste which is particularly noticeable at the weekend. Our personnel work seven days a week and although they have been in post for several years, more litter has certainly been noticed in recent years”

Wickersley Parish Council Clerk

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

3. Prevention of Crime and Disorder

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



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

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

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

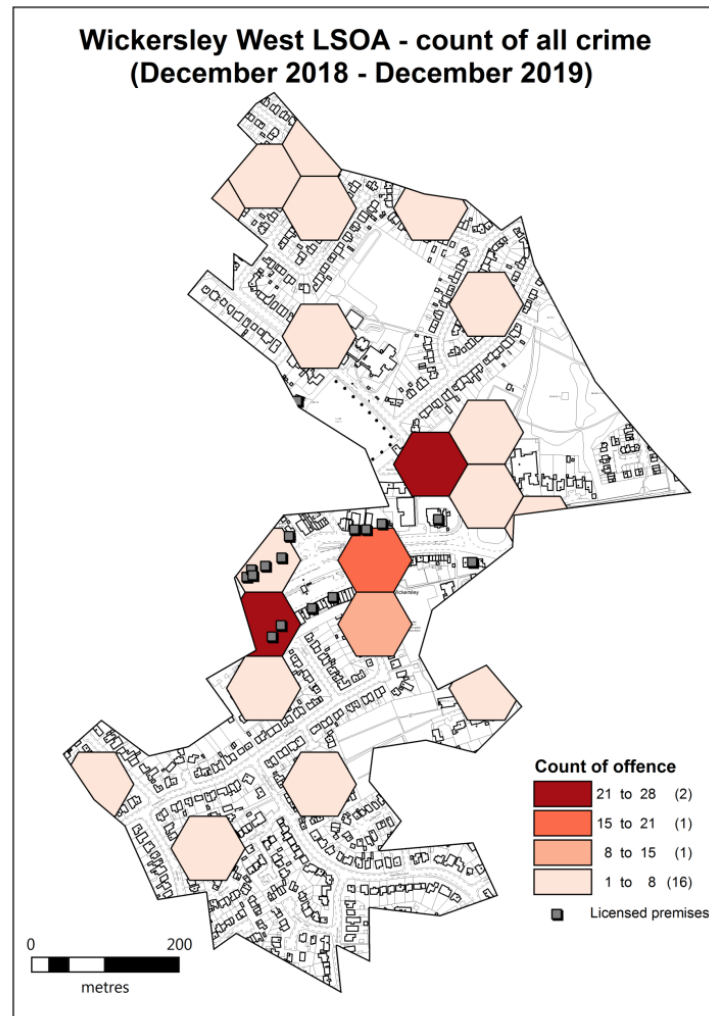
The most common crime committed between December 2018 and December 2019 were offences of a violent or sexual nature, which includes offences such as violence against the person, grievous bodily harm and sexual assault. This was followed by anti-social behaviour which consists of personal and environmental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

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

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

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

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

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

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

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

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

Highest risk	
Moderately high risk	
Moderate risk	
Low Risk	

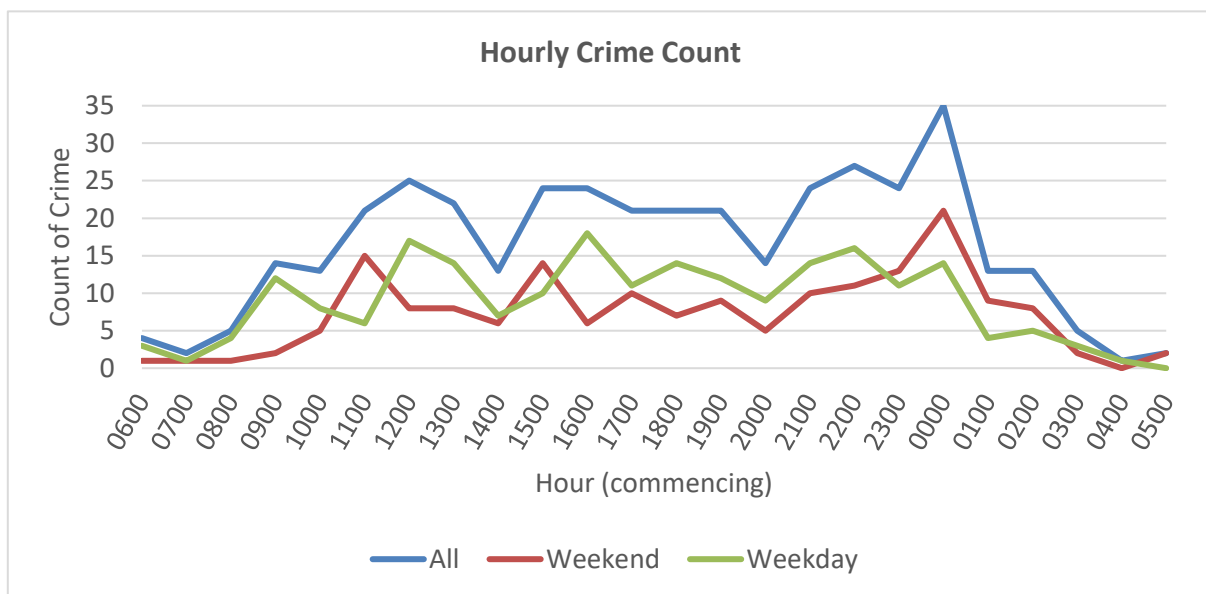
Temporal Analysis: Crime figures for Wickersley West and Wickersley South between January 2016 and December 2019. Included with the permission of South Yorkshire Police.

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

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

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



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

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

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

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

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

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

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

4. Protection of Children from Harm

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

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Conclusion

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

Factors considered when granting applications in a Cumulative Impact Zone

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

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

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

Examples of factors the Council will not consider include:

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

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

APPENDIX 5**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.

We, Seasons (Wickersley) Ltd, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

P1111

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Seasons Restaurant 151-152 Bawtry Road Wickersley	
Post town Rotherham	Post code S66 2BW

Telephone number of premises (if any)

01709 730622

Non-domestic rateable value of premises

4500

Part 2 – Applicant Details

Daytime contact telephone number

01709 730622

**Email address
(optional)**

**Current postal
address if
different from
premises address**

39-43 Bridge Street
Swinton

Post Town

Mexborough

Postcode

S64 8AP

Part 3 – Variation**APPENDIX 5**

Please tick ✓ yes

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



If not do you want the variation to take effect from

Day Month Year

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

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

N/A

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

(Please see Guidance Note 1)

yes ☐ no ☒**Please describe briefly the nature of the proposed variation** (please read guidance note 2)

The Applicant operates Seasons, a fine dining restaurant situated in Wickersley, Rotherham.

By this Application, the Applicant is seeking to amend the current licence conditions as follows:

1. Remove the following conditions:
 - a. The licence holder shall ensure that alcohol will be served to customers seated or to those waiting to be seated.
 - b. The licence holder shall ensure that the use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. A minimum of 3 SIA door supervisors will be employed to manage customers from Seasons and adjacent premises from 22:00hrs on Friday and Saturday evenings when the Courtyard is open and trading.
 - c. The licence holder shall ensure that the premises shall operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a restaurant meal.
2. The Applicant proposes to implement the following conditions:
 - a. Save for occasions when the area is being utilised for a private pre-booked function. Customers in the restaurant areas and any external area of the premises (non-hatched on the deposited plan) shall remain seated when consuming alcohol.
 - b. Customers in the area hatched on the deposited plan shall be permitted to stand while consuming beverages. The number of customers permitted to stand in this area shall not exceed 20 persons (excluding dining guests).
3. In addition, the Applicant seeks to update the approved layout plan to add hatching as per the above-proposed condition.
4. The present licence permits the specified licensable activity until midnight daily.

As part of the Application, the Applicant voluntarily proposes to reduce the standard terminal hour to for the retail sale of alcohol to 23:00 hrs Monday – Thursday.

The Applicant seeks to retain the midnight terminal hour for Friday, Saturday and Sunday evenings, for private events, New Year's Eve and Bank Holiday Monday evenings.

Part 4 Operating Schedule**APPENDIX 5**

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

Please tick ✓ yes

Provision of regulated entertainment (Please see guidance note 3)

- 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) ☒

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

In all cases complete boxes K, L and M

A**APPENDIX 5**

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

B

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

C

APPENDIX 5

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

D

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

E

APPENDIX 5

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

F

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

G

APPENDIX 5

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick {Y}</u> (please read guidance note 4).		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)			
Mon			As stated in Part 3 above and to include performance of a dance or a similar activity.			
Tue						
Wed						
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)			
Fri			<u>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</u> (please read guidance note 7)			
Sat						
Sun						

H

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

I

APPENDIX 5

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick {Y} (please read guidance note 4).		Indoors	✓
Day	Start	Finish			Outdoors	
Mon			Please give further details here (please read guidance note 5) The provision of hot food and drinks prepared on the premises.			
Tue						
Wed						
Thur			State any seasonal variations for the provision of late night refreshment (please read guidance note 6) N/A – save as below			
Fri	23:00	00:00	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 7) When hours for sale of alcohol are extended hereunder these hours are also extended (see box J below)			
Sat	23:00	00:00				
Sun	23:00	00:00				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box Y) (please read guidance note 9)		On the premises	
Day	Start	Finish			Off the premises	
Mon	11:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 6) N/A – save as below			
Tue	11:00	23:00				
Wed	11:00	23:00				
Thur	11:00	23:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) To permit the sale of alcohol and the provision of late-night refreshments on New Year's Eve, bank holiday Mondays until 00:00 hrs. To permit the sale of alcohol and the provision of late-night refreshments on an occasion the premises are hired for the purpose of a private pre-booked function until 00:00 hrs.			
Fri	11:00	00:00				
Sat	10:00	00:00				
Sun	10:00	00:00				

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K

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

NONE

L

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Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variation (please read guidance note 6) 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 7) The premises will close 30 minutes after the end of the non-standard timings identified in box J above.
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	23:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	

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

Annex 2

Condition 11 - The licence holder shall ensure that alcohol will be served to customers seated or to those waiting to be seated.

Condition 12 - The licence holder shall ensure that the premises shall operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a restaurant meal.

Condition 14 - The licence holder shall ensure that the use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. A minimum of 3 SIA door supervisors will be employed to manage customers from Seasons and adjacent premises from 22:00hrs on Friday and Saturday evening when the Courtyard is open and trading.

Please tick ✓ yes

I have enclosed the premises licence

☒

I have enclosed the relevant part of the premises licence

☐

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

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

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M

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

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

No further risks have been identified that need to be addressed, save as below

1. Customers in the restaurant areas and any external area of the premises (not-hatched on the deposited plan) shall remain seated when consuming alcohol. Save for occasions when the area is being utilised for a private pre-booked function.
2. Customers in the area hatched on the deposited plan shall be permitted to stand while consuming beverages. The number of customers permitted to stand in this area shall not exceed 20 persons (excluding dining guests).

b) The prevention of crime and disorder

No further risks have been identified that need to be addressed, save as below

1. The licence holder shall ensure that whilst it is considered that for the nature of the operation door supervisors will not be required however, a risk assessment will be undertaken should unusual events take place and if they consider it appropriate will employ the same.

c) Public safety

No further risks have been identified which need to be addressed.

d) The prevention of public nuisance

No further risks have been identified which need to be addressed.

e) The protection of children from harm

No further risks have been identified which need to be addressed.

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



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

Part 5 – Signatures (please read guidance note 12)

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

Signature: John Gaunt & Partners 

Date: 15th July 2022

Capacity: Solicitors.....

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

Signature:

Date:

Capacity:

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

John Gaunt & Partners
Omega Court
372 Cemetery Road

Post town
Sheffield

Post code
S11 8FT

Telephone number (if any)
0114 266 8664

If you would prefer us to correspond with you by email your email address (optional)
cgrunert@john-gaunt.co.uk

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. 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.

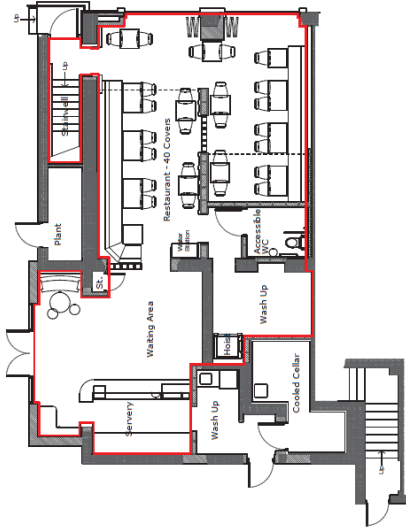
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- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display 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, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - 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:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - 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;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - 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.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. 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'.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
 15. This is the address which we shall use to correspond with you about this application.

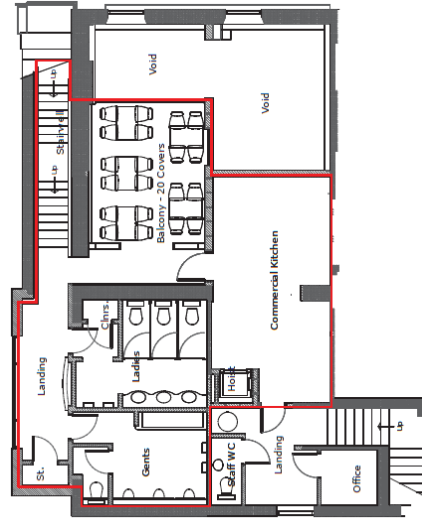
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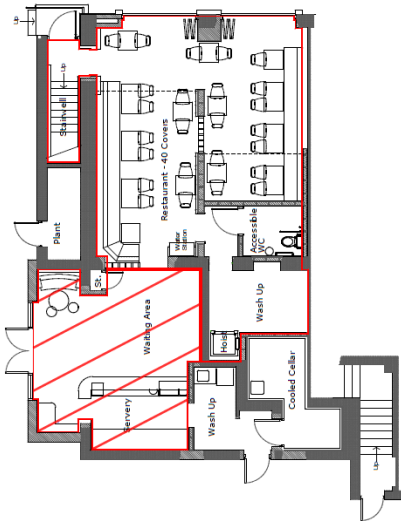
Current Ground Floor Plan



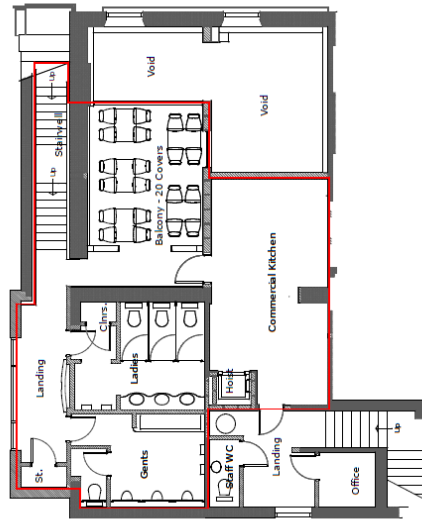
Current First Floor Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



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APPENDIX 7

Representation from Licensing Authority

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REPRESENTATION AGAINST THE APPLICATION FOR A FULL VARIATION TO THE PREMISES LICENCE IN RESPECT OF SEASONS RESTAURANT, 151-152 BAWTRY ROAD, WICKERSLEY, S66 2BW.

I am the 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 a representation in respect of an application for a full variation of the premises licence relating to Seasons restaurant located at 151-152 Bawtry Road, Wickersley, S66 2BW.

The grounds of the representation are based on the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.

The premises licence held by the applicant Seasons Wickersley Ltd was granted in August 2020 with strict conditions which were agreed by the applicant taking into consideration the Cumulative Impact Policy. The premises are cited within an area in which residential properties are negatively affected by licensed premises in the locality. A Cumulative Impact Assessment was undertaken which subsequently resulted in the Policy and Cumulative Impact Zone.

Should the variation to the premises licence be granted this will have a negative impact on the licensing objectives and further contribute to existing issues already prevalent within the area.

The premises open daily for breakfast, lunch and dinner and is over two floors, the upper floor being a small mezzanine area. The restaurant can provide a minimum of 50 covers at any one time.

The applicant has requested the removal of a condition restricting the sale of alcohol to those seated or waiting to be seated. The applicant has further requested this condition be replaced with the following

Save for occasions when the area is being utilised for a private pre-booked function. Customers in the restaurant areas and any external area of the premises (non-hatched on the deposited plan) shall remain seated when consuming alcohol.

Should this condition be agreed, the premises would have the ability and permission to close the premises to the public and admit those attending a pre-booked function. This would result in all attendees being able to stand and consume alcohol without the requirement to be seated or have a meal and the premises would be more akin to a pub. This would have a detrimental impact on residents within the locality and have the likelihood to contribute to crime and disorder.

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The applicant has further requested the licence and plan be amended to permit vertical drinking within an area at the front of the premises – this area is defined on the amended plan by hatch markings. This area contains a bar with bar stool style seating and a small booth seating area. Should this be agreed, this area of the premises will be able to operate as a bar serving drinks to standing guests without the requirement to have a meal or be seated. This would be more akin to a pub than a restaurant and would adversely affect residents within the locality due to noise and the likelihood for increased disorder following increased demand for drinks only within the premises.

The applicant has requested the removal of a condition requiring 3 door supervisors from 22.00hrs on a Friday and Saturday evening to manage customers from the restaurant and the adjacent premises, The Courtyard.

No similar condition is in place upon the premises licence for The Courtyard and should this condition be removed, there will be no requirement to have door supervision monitoring the premises. The door staff assist in management of customers and the reduction of crime and disorder, the removal of these will only contribute to crime and disorder from the premises and within the immediate locality. This disorder is likely should the premises be permitted to have vertical drinking in the bar/reception area of the premises without the requirement to have a table meal and the permission to have drinking only during pre-booked functions to which there is no restriction in number.

It is accepted by the premises licence holder that food service is ended at approximately 22.00hrs each day of the week. With the current licence allowing until midnight and the applicant wishing to retain midnight on a Friday and Saturday there would be the likelihood of the premises becoming a bar after 22.00hrs with no door supervision and significant adverse impact on residents in the locality. The applicant has also requested the terminal hour remain midnight Monday – Thursday should the premises be carrying out a pre-booked function. This would result in the premises having vertical drinking only until midnight with no door supervision or restriction. The ability to operate in this way would affect the crime and disorder and public nuisance licensing objectives.

It is accepted that the applicant has proposed a risk assessment be undertaken to determine whether door supervisors are required for events that are not usual business. However, this is not deemed to be sufficient as the premises if granted the variation as applied for will have the ability to operate the front of the premises as a bar each day of the week and the entirety of the premises as a vertical drinking bar should it be stated that there is a pre-booked function taking place. The premises is situated adjacent to another licensed premises which is extremely busy during the night-time economy and shares an external area with this premises.

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The outside area becomes very busy with customers drinking outside on a Friday and Saturday evening – this area contributes to high levels of noise nuisance and has had incidents of disorder.

No door supervision managing customers within this area in the late hours of the evening will adversely affect the licensing objectives and residents within the locality.

The applicant has requested the removal of a condition requiring the premises to operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a meal. The applicant has requested a condition which was added in error to the licence requiring the premises to operate primarily as a restaurant remain on the licence.

The removal of this condition is likely to result in the premises operating as a bar on occasions and will adversely affect the licensing objectives and local residents.

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

Principal Licensing Officer

Rotherham MBC

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Representation from Ward Councillors

APPENDIX 7

From: Cllr Sue Ellis <CllrSue.Ellis@rotherham.gov.uk>

Sent: 12 August 2022 15:20

To: Diane Kraus <Diane.Kraus@rotherham.gov.uk>

Subject: Seasons Objections

Objection to vary the Licensing conditions to the Seasons Restaurant, Bawtry Road,
Wickersley

This is an objection on behalf of the three local councillors, Cllr. Ellis, Cllr. Read and Cllr. Hoddinott

Please take into account the original objects to the application for Seasons to become a restaurant. Also please see the CIZ for the area and the Neighbour Plan which has been adopted by the Borough Council and the issues of anti-social behaviour, litter and noise. of these documents are still relevant.

At the original hearing the committee were on numerous occasions told and reassured that the premises would only be solely used as a restaurant and that they aspired to becoming a Michelin star restaurant. Due to this the committee attached various conditions to ensure this happened and to ameliorate the problems that the local community are facing. It was only due to the conditions being attached that the license was granted.

The proposed removal of some of the conditions and in particular 1a and 1c would enable an extensive area to become a bar area, only being used for the serving of alcohol with no necessity for any food to be served or consumed. This is at complete odds to all that was said to the committee and the community. It is also at variance to the CIZ and Neighbour Plan.

The application talks about an additional 20 people being introduce to the premises when the areas directly in front of the entrance and in front of the building are already incredibly busy, especially but not only at the weekends. The entrance to the premises is in a courtyard which also houses a wine bar and is already profusely busy. It is a confusing layout for accessing both these building and another 20 plus people will add to the confusion and chaos. These additional 20 people once inside Seasons will also be congregated directly as you enter the premises, which mean that all the customers will have to negotiate or push their way through a crowd to get to the restaurant part of the premises, hardly the start to a fine dining experience.

Since the granting of the License the owners of Seasons have added a decked with additional seating at the front of the building. This has created a pinch point and exacerbated the problems of a lot of people on the highway at night-time when all the pubs and clubs are trading. It is also in front of where taxis pick up and drop off. This means 'The Strip ' (as it

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is locally known) between The 3 Horseshoes and The Masons is particularly busy and at this pinch point people are forced into the road to pass. The dangerous to pedestrians and drivers alike is obvious.

For these reasons and the reasons stated in the original objections the Ward councillors are still of the opinion that to remove the conditions would have serious and detrimental implications for the community and residents of Wickersley.

Cllr Sue Ellis

Cllr Chris Read

Cllr Emma Hoddinott

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Representation from Wickersley Parish Council

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From: Assistant Clerk at Wickersley Parish <clerkadmin@wickersleypc.org.uk>

Sent: 21 July 2022 16:37

To: Licensing <Licensing@rotherham.gov.uk>; Diane Kraus
<Diane.Kraus@rotherham.gov.uk>

Cc: Clerk at Wickersley Parish <clerk@wickersleypc.org.uk>; Alan Pogorzelec
<Alan.Pogorzelec@rotherham.gov.uk>

Subject: REPRESENTATION - Application to vary the Premises Licence - Seasons Restaurant, 151-152 Bawtry Road, Wickersley, S66 2BW

Good afternoon,

Please see below representation from Wickersley Parish Council in relation to the application to vary the premises licence at Seasons Restaurant.

APPLICATION TO VARY THE PREMISES LICENCE - SEASONS RESTAURANT, 151-152, BAWTRY ROAD, WICKERSLEY

Wickersley Parish Council wishes to raise a strong objection to the proposed variation for a number of reasons, as follows:

- The whole of Wickersley is covered by a Cumulative Impact Policy in recognition that the area is suffering from a high concentration of licensed premises in the village centre, which has resulted in a number of adverse effects being experienced by the local population so far as 3 of the licensing objectives are concerned. There is now therefore a presumption against granting any further licences or variations to licences unless the applicant can demonstrate that their proposal will not further add to the impact already felt from the existing licensed premises. It is therefore essential that this test is applied to the proposal to vary the conditions on the existing licence. The licence for Seasons Restaurant was granted in August 2020 shortly after the policy was introduced and the conditions imposed were those that the Licensing Authority considered were required to ensure no additional impact from this business. There would therefore need to be compelling evidence from the applicant to demonstrate that the variations would meet the tests of the policy. No such evidence has been provided in this case.
- The main adverse impacts from licensed premises in terms of noise and disturbance, crime and anti-social behaviour as well as public safety arise from those premises that operate as bars or mixed restaurants and bars. The majority of these premises are located in close proximity to Seasons Restaurant and indeed, the applicant also operates The Courtyard which has been one of the main sources of adverse impact and shares the same external space. It is therefore essential that Seasons continues to operate solely as a restaurant to prevent an escalation of issues associated with

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customers who are primarily out for an evening of drinking, rather than having a drink as part of a meal.

- The proposed removal of condition 23 of the licence would allow the applicant to instead rely on condition 2 of the licence, which was inadvertently included in the licence and only requires the premises to operate primarily as a restaurant rather than operating solely as a restaurant. This would therefore allow customers to visit the premises purely for the purpose of drinking so long as the majority of customers visited for a meal as well. This is also reflected in the proposed removal of condition 22 which currently requires alcohol only to be served to customers seated or waiting to be seated, and its replacement with a condition that allows part of the premises (so called waiting area) to be used by standing customers when consuming alcohol. It is therefore clear that the applicant wishes to change that part of the premises to a bar with vertical drinking which would undoubtedly increase the number of customers as well as increase the potential adverse impacts from people consuming large amounts of alcohol.
- The proposed variation also seeks to allow the premises to be used for private pre-booked functions without the customers needing to remain seated. This could result in large numbers of people attending a function largely for the purpose of drinking which again could lead to adverse impacts on the local neighbourhood.
- When the original application was made for the premises licence, the applicant reassured the Licensing Sub-Committee that the premises would operate 100% as a high-end restaurant and nothing else. There was also an assurance that there would be no vertical drinking in the external Courtyard area. Yet when the Parish Council appealed against the decision to seek inclusion of an additional condition to that effect and to remove condition 2 in order to ensure that condition 23 took precedence, the applicants would not agree. Instead the applicants sought to delete condition 23 so that the premises only had to operate primarily as a restaurant. It would therefore appear that this was the applicant's intention all along, given that this variation application has been submitted within only a few months of the restaurant opening.
- Since the licence was granted for these premises, there have been a number of other applications for new licenses and, in each case, the Licensing Authority has only granted the licence with strict conditions to ensure all of them operate solely as a restaurant or cafe without any ancillary bar facility and to ensure alcohol is only served to seated customers. Furthermore, "W" restaurant, when seeking a variation to their licence to incorporate additional floorspace agreed to such strict conditions on the whole premises to demonstrate that they were only intending to operate as a restaurant, not as a bar. It would therefore be entirely inappropriate for Seasons to be granted the proposed variation to their licence when all other recent licensees have accepted the need for such conditions given the Cumulative Impact Policy and the issues that are caused by the high number of licensed premises in the area.

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- A Neighbourhood Plan for Wickersley has recently been adopted which means that its policies must be taken into account when planning applications are determined. This Plan includes a policy which seeks to restrict the number of drinking establishments or mixed uses that include drinking establishments to no more than 5% of the total number of commercial units in the District Centre. This policy is intended to complement the Cumulative Impact Policy in recognition of the importance of the Planning and Licensing regimes operating in a consistent way to ensure no additional adverse impact from drinking establishments. That maximum percentage in the policy has already been reached and hence no further planning consents should be forthcoming at the present time. It would therefore be perverse to allow a relaxation of Seasons' licence which allows it to operate partly as a bar and thus undermine both planning and licensing objectives for this area.
- The Parish Council also have concern about removal of condition 25 which requires a minimum of 3 door staff on Friday and Saturday evenings in order to manage customers from Seasons and the adjacent Courtyard bar. Given that both premises share a large external area and are in the same ownership, it is necessary to manage customers from the Courtyard to ensure they do not inappropriately use Seasons for ordering drinks and then taking them out into the external areas.

The Parish Council have no objection to the terminal hours for retail sales of alcohol being reduced to 23.00 hours (11 pm) Monday to Thursday.

Kind Regards,

Amy

Assistant Clerk to Wickersley Parish Council



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