

LICENSING SUB-COMMITTEE

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

Date: Wednesday 12 July 2023

Time: 2.30 p.m.

A G E N D A

1. To determine whether the following items should be considered under the categories suggested in accordance with Part 1 of Schedule 12A (as amended March 2006) of the Local Government Act 1972.
2. To determine any item(s) which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Licensing Act 2003 - Licence - Variation of the Premises Licence issued to Mr Stuart Carl Ford in respect of the premises known as Steptoe's situated at 192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT (Pages 3 - 58)

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Committee Name and Date of Committee Meeting

Licensing Sub-Committee - 12th July 2023 at 14:30 hours (2:30pm)

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 Mr Stuart Carl Ford in respect of the premises known as Steptoe's situated at 192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT

Report Author

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene
Telephone 01709 289536

Report Summary

On the 10th May 2023 an application was made to vary the terms, conditions, and restrictions of the Premises Licence currently in force in respect Steptoe's, 192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT.

Representations to the application have been made by the local residents.

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 Current Premises Licence (P0175)
- Appendix 2 Location details
- Appendix 3 Application under consideration
- Appendix 4 Representations
- Appendix 5 Conciliation - applicants response to the representations
- Appendix 6 Response to Conciliation – from persons making representations

Background Papers

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

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

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.34 of the Licensing Act 2003) for the variation of the Premises Licence currently in force in respect of Steptoe's, 192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT.

1. Background

1.1 A Premises Licence was first issued to Mr Stuart Carl Ford in respect of Steptoe's, 192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT on 30th June 2020. This application was initially subject to representations from three local residents. However, the offering of certain conditions by Mr Ford resulted in the representations being withdrawn.

1.2 A copy of the Licence issued to Mr Ford on 30th June 2020 to is attached at Appendix 1. In summary, this Licence authorises the sale of alcohol (on and of the premises) and the provision of recorded music, entertainment of a like kind and late night refreshment (all indoors only) on:

- Monday to Thursday between 11:00 hours and 21:30 hours
- Friday to Sunday between 11:00 hours and 22:30 hours
- Christmas Eve between 11:00 hours and 00:00 hours (12 midnight);
- New Year's Eve between 11:00 hours and 00:30 hours on the following day.

2. Key Issues

Location of the Premises

2.1 Attached at Appendix 2 to the report are plans showing the location of Steptoe's, 192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT.

The application

2.2 On 10th May 2023 an application was made by Mr Ford for a variation Licence issued to him in respect Steptoe's, 192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT. A copy of the application is attached at Appendix 3.

2.3 The application seeks to:

- a) Extend current licensed hours in relation to the sale of alcohol and the provision of recorded music, entertainment of a similar nature and the late night refreshment; and
- b) Add the provision of live music and the performance of dance to the current licensable activities.

- 2.4 The hours sought in the application in respect of all licensable activities, that is those currently authorised, and the additions sought in the variation application, are as follows:

The provision of recorded music (indoors)

- Monday to Thursday between 09:00 hours and 23:30 hours
- Friday to Sunday between 09:00 hours and 00:30 hours on the following day
- Christmas Eve between 09:00 hours and 02:00 hours on the following day;
- Boxing Day between 09:00 hours and 01:00 hours on the following day;
- New Year's Eve between 09:00 hours and 02:00 hours on the following day.
- Bank Holiday Mondays between 09:00 hours and 00:30 hours on the following day.

The sale of alcohol (on and of the premises) and Live Music(indoors) and Performance of Dance (indoors)

- Monday to Thursday between 11:00 hours and 23:00 hours
- Friday to Sunday between 11:00 hours and 00:00 hours (midnight)
- Christmas Eve between 11:00 hours and 01:00 hours on the following day;
- Boxing Day between 11:00 hours and 00:30 hours on the following day;
- New Year's Eve between 11:00 hours and 01:30 hours on the following day.
- Bank Holiday Mondays between 11:00 hours and 00:0 hours (midnight)

The provision of Late night refreshment (indoors)

- Friday to Sunday between 23:00 hours and 00:00 hours (midnight)
- Christmas Eve between 23:00 hours and 01:00 hours on the following day;
- Boxing Day between 23:00 hours and 00:30 hours on the following day;
- New Year's Eve between 23:00 hours and 01:30 hours on the following day.
- Bank Holiday Mondays between 23:00 hours and 00:0 hours (midnight)

Consultation

- 2.5 Consultation on the application has been carried out 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.

Representations received

- 2.6 Four letters/emails making representations against the grant of the variation application were received from local residents. The detail of the representation was provided to Mr Ford, who in an attempt to conciliate, responded to the representation through the Licensing Office.
- 2.7 Conciliation led to the withdrawal of one of the representations. A copy of the three letters/email from residents that are continuing to make representations to the application can be found at Appendix 4.
- 2.8 A copy of the letter the application, Mr Ford, sent in an attempt to address the concerns raised in the representations is attached at Appendix 5.
- 2.9 One resident sent a further letter in response to the applicants attempt to conciliation, a copy of which is attached at Appendix 6.
- 2.10 All parties who are continuing to make 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.

Important considerations in relation to Regulated Entertainment

- 2.13 The following information is brought to the attention of the Licensing Sub Committee with regard to the provision of live and/or recorded music may be provided at the premises.

2.14 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.

2.15 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?

2.16 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.

2.17 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.

- 2.18 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.
- 2.19 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 application to vary the licence subject to the existing conditions, or
 - To reject the whole, or part of the application for variation, which may include modifying existing conditions, imposing additional conditions and/or a reducing the hours sought in the application.

- 3.3 The statutory guidance makes it clear that Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 3.4 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 3.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. The licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).
- 3.6 The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence – 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, 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 Sub Committee will introduce the Committee and ask officers to introduce themselves.
2. The Chair of the Licensing Sub Committee will ask the applicant(s) and persons listed as having made representations to the application to formally introduce themselves, together with any person representing them and any witnesses they wish to call.
3. The Licensing Officer will introduce the report and provide any updates to the report and application.
 - i. Questions concerning the report can be asked by Members, persons making representations and the applicant.
4. The Chair of the Licensing Sub Committee will then invite persons who are listed as having made a representation to the application if they wish to highlight any points made in their written representation, and/or call witnesses, for the same purpose.
 - i. Members may ask questions of all person's listed as having made representations and any person who have given evidence on their behalf as a witness
 - ii. With the leave of the Chair, the applicant, or their representative, may ask questions all persons who are listed as having made representation and any person who has given evidence on their as a witness.
5. The Chair of the Licensing Sub Committee will then invite the applicant (or their representative) to present the application and respond to the representations made.
 - i. Members may ask questions of the applicant and any person who has given evidence on their behalf as a witness.
 - ii. With the leave of the Chair, all persons who are listed as having made representations may ask questions of the applicant and any person who has given evidence on their behalf.
6. The applicant will then be given the opportunity to sum up the application.
7. The public hearing will then be concluded, and the Sub Committee will go into closed session, together with the Councils Solicitor and the Clerk to the meeting.
8. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made there under.

Note:

- At any time throughout the hearing Members of the Licensing Sub Committee may request legal advice from the Council's Solicitor. Any advice sought during closed session will be included in the notice setting out the decision.
- The Committee Hearing will be held in public unless and in accordance with relevant Regulations the Licensing Sub Committee determine that the public should be excluded.

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Licensing Act 2003

Premises Licence

P0175

Part 1 - Premises Details

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

Steptoe's

192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
Playing of recorded music (Indoors)	Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	9:30pm
	Friday to Sunday	11:00am	10:30pm
Entertainment of a similar description (Indoors)	Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	9:30pm
	Friday to Sunday	11:00am	10:30pm
Late night refreshment (Indoors)	Monday to Thursday Christmas Eve 23.00 to 00.00 New Year's Eve 23.00 to 00.30	11:00am	10:00pm
	Friday to Sunday	11:00am	11:00pm
The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	9:30pm
	Friday to Sunday	11:00am	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	10:00pm
Friday to Sunday	11:00am	11:00pm

Licensing Act 2003 Premises Licence

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

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

Part 2

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

Stuart Carl Ford
carl@inspirationsltd.co.uk

24 Ewers Road, Kimberworth, Rotherham, South Yorkshire, S61 1EZ.

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

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

Stuart Carl FORD

24 Ewers Road, Kimberworth, Rotherham, South Yorkshire, S61 1EZ.

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. RM3330

Issued by Rotherham



Licensing Act 2003 Premises Licence

P0175

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

P0175

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

Licensing Act 2003 Premises Licence

P0175

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.

Licensing Act 2003 Premises Licence

P0175

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 Prevention of Crime and Disorder

1. The licence holder shall ensure that a member of the Management Team/staff to attend the local pub watch scheme, should a pub watch scheme be in operation.

Licensing Act 2003
Premises Licence**P0175****ANNEXES continued ...**

2. The licence holder shall ensure that a digital CCTV system shall be installed and in operation at the premises at all times. The system shall have a 28 day recording and retrieval system and footage shall be capable of being downloaded immediately onto a portable storage device such as memory stick or DVD.
3. The licence holder shall ensure the CCTV cameras shall cover the entire licensed area of the premises, including the till area where payment is made for alcohol, the front of the premises including car park and grassed area and each side of the building. The CCTV system must be positioned so not to affect the privacy of neighbouring properties.
4. The licence holder shall ensure the location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.
5. The premises licence holder shall ensure that the Information Commissioner's Office is notified of the CCTV system and that the data controller is aware of the Information Commissioners advice in relation to the storage and handling of personal data, including when it can be provided to third parties.
6. The licence holder shall ensure that equipment shall be operated and maintained in good and clear working order
7. The licence holder shall ensure that at least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.
8. The licence holder shall ensure that notice of CCTV in operation shall be displayed in a clear and prominent position at the premises.
9. The licence holder shall ensure an incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported.
10. The licence holder shall ensure the register shall include the details of any Police Officer who attended the incident, names and addresses of any witnesses, and confirmation as to whether there is CCTV footage of the incident. The register will be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing.

Licensing Act 2003
Premises Licence**P0175****ANNEXES continued ...**

11. The licence holder shall ensure this register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.
12. The licence holder shall ensure that a refusals register shall be maintained and kept on site at all times to record all occasions where refusal to sell alcohol has taken place. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, details of the nature of the incident, names of any other staff involved or to whom the incident was reported, and a description of the person(s) refused. The register shall be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing.
13. The licence holder shall ensure that the register shall be made available for inspection by South Yorkshire Police or a Local Authority Enforcement Officer on request.
14. The licence holder shall ensure that new staff shall receive induction training prior to the commencement of their employment at the premises, including drug awareness, underage sales training, and serving to persons who are drunk. This training shall be recorded.
15. The licence holder shall ensure that staff refresher training shall take place on an annual basis and shall be recorded.
16. The licence holder shall ensure that all staff training records shall be retained on the premises, maintained by the DPS or Premises Licence Holder, and made available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.
17. The licence holder shall ensure that customers shall not be permitted to take vessels containing alcoholic products into the premises, and no open vessels containing alcoholic products shall be allowed to be taken from the premises whilst the premises are conducting licensable activities.
18. The licence holder shall ensure that staff are trained and made aware of their responsibility to prevent drunk and disorderly behaviour at the premises.

Public Safety

19. The licence holder shall ensure that all staff are trained in regard to emergency and general safety precautions and procedures.
20. The licence holder shall ensure that checks are appropriate checks are carried out prior to the premises opening.

Licensing Act 2003
Premises Licence**P0175**

ANNEXES continued ...

Prevention of Public Nuisance

21. The licence holder shall ensure all outdoor areas are regularly monitored to prevent anti-social behaviour.
22. The licence holder shall ensure that the premises will have sufficient exterior lighting to illuminate the carpark, grassed area and each side of the building, when in use the lighting must not cause a nuisance to properties in the vicinity of the premises.
23. The licence holder shall ensure that customers shall be reminded by way of clear and prominent notices at the entrance/exit door to please leave the premises quietly and have consideration for any neighbouring residential or business properties.
24. The licence holder shall undertake a risk assessment of the premises to determine whether door supervisors shall be required.
25. The licence holder shall ensure that Whenever there are anticipated changes to the normal operating framework of the premises, where it is reasonable to assume there will be an increase in customers, for example a home football game or the advertising and promoting of a sporting event, a risk assessment shall be carried out by the premises licence holder to determine whether door supervisors shall be required. The risk assessment shall be documented in a register, kept at the premises and available for inspection by the Police or Council licensing enforcement officer upon request. The risk assessment shall comply with any advice given by South Yorkshire Police or Council licensing officers in respect of door supervisors.
26. The licence holder shall ensure that any entertainment noise is kept to a minimum.
27. The licence holder shall ensure that litter from the premises or premises users is kept to a minimum.

Protection of Children from Harm

28. The licence holder shall ensure that the premises shall adopt a Challenge 25 proof of age scheme approved by South Yorkshire Police. Signage shall be displayed in the premises that Challenge 25 is the age verification policy adopted at the premises.
29. The licence holder shall ensure that notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

**Licensing Act 2003
Premises Licence**

P0175

ANNEXES continued ...

30. The licence holder shall ensure that no children under the age of 18yrs old shall be permitted to enter or remain on the premises after 20.00hrs.

Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

Annex 4 Plans

Attached



Licensing Act 2003

Premises Licence Summary P0175

Premises Details

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

Steptoe's

192 High Street, Kimberworth, Rotherham, South Yorkshire, S61 2DT.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- 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
Playing of recorded music (Indoors)	Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	9:30pm
	Friday to Sunday	11:00am	10:30pm
Entertainment of a similar description (Indoors)	Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	9:30pm
	Friday to Sunday	11:00am	10:30pm
Late night refreshment (Indoors)	Monday to Thursday Christmas Eve 23.00 to 00.00 New Year's Eve 23.00 to 00.30	11:00am	10:00pm
	Friday to Sunday	11:00am	11:00pm
The sale by retail of alcohol for consumption ON and OFF the premises	Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	9:30pm
	Friday to Sunday	11:00am	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday Christmas Eve 11.00 to 00.00 New Year's Eve 11.00 to 00.30	11:00am	10:00pm
Friday to Sunday	11:00am	11:00pm

Licensing Act 2003 Premises Licence Summary P0175

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

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Stuart Carl Ford 24 Ewers Road, Kimberworth, Rotherham, South Yorkshire, S61 1EZ.

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

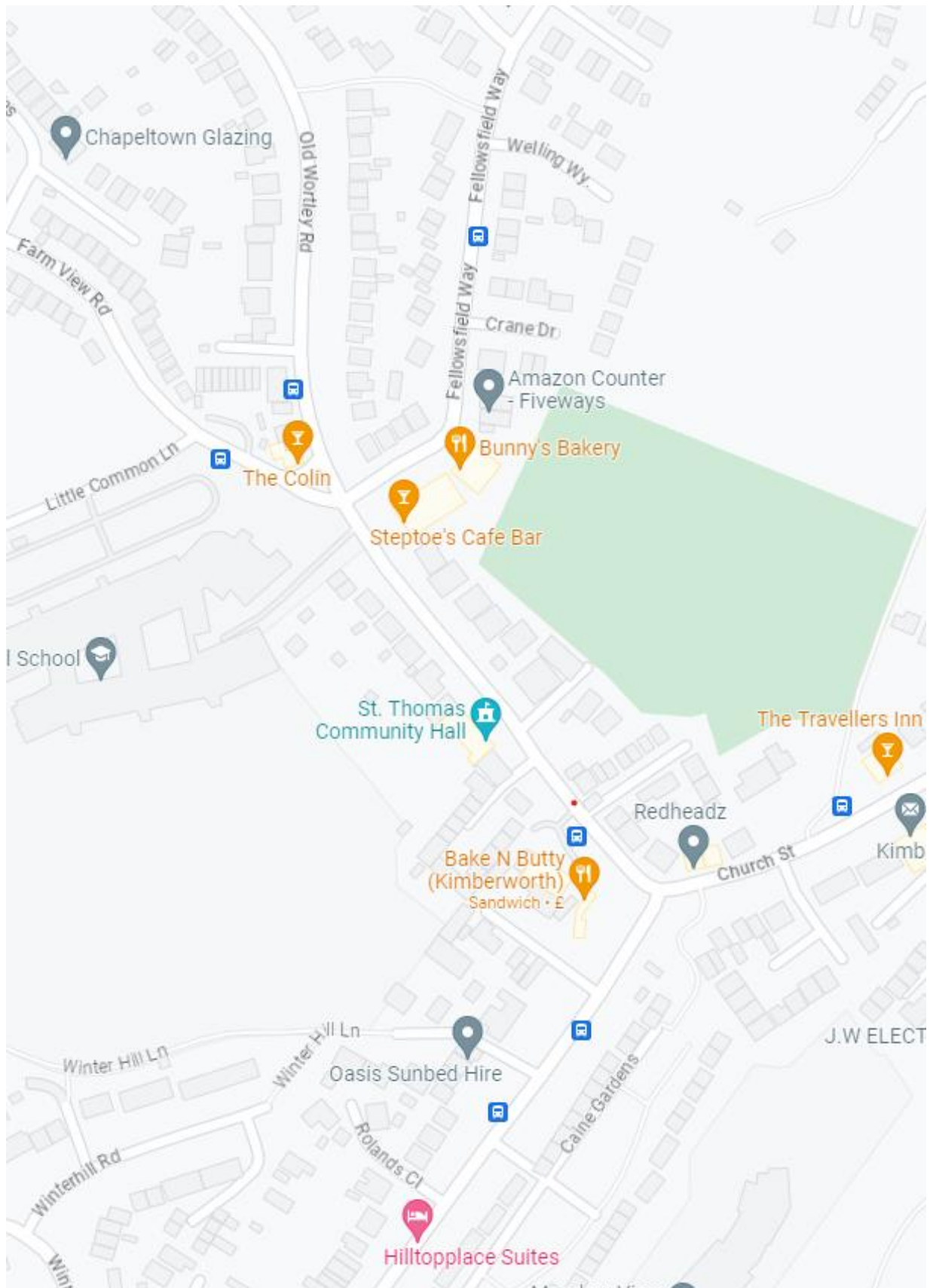
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Stuart Carl FORD

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

Not applicable







Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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

I/We Stuart Carl Ford

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number P0175

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 192 High Street, Kimberworth			
Post town	Rotherham	Postcode	S612DT

Telephone number at premises (if any)	01709 431637
Non-domestic rateable value of premises	£10,750

Part 2 – Applicant details

Daytime contact telephone number	07989951657		
E-mail address (optional)	steptoescafebar@outlook.com		
Current postal address if different from premises address	24 Ewers Road Kimberworth		
Post town	Rotherham	Postcode	S611EZ

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

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 see guidance note 2)

1. Extend current licensed hours in relation to the sale of alcohol, the provision of recorded music and entertainment of a similar nature and the provision of late night refreshment; and
2. Add the provision of live music and the performance of dance to the current licensable activities.

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:

No

Part 4 Operating Schedule

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

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur					
Fri			<u>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</u> (please read guidance note 7)		
Sat					
Sun					

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please <u>give further details</u> (please read guidance note 5) Showing of sporting events on terrestrial TV
Day	Start	Finish	
Mon			None
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed			None
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri			None
Sat			
Sun			

D

Boxing or wrestling entertainments 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</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<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)		
Sat					
Sun					

E

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</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day				Outdoors	<input type="checkbox"/>
Start	Finish	Both		<input type="checkbox"/>	
Day	Start	Finish			
Mon	11:00	23:00	<u>Please give further details here</u> (please read guidance note 5) Playing of unamplified live music		
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	11:00	23:00			
Fri	11:00	00:00	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11:00	00:00	Christmas eve until 01:00 Boxing day until 00:30 New Years Eve until 01:30 Bank holiday Monday till 00:00		
Sun	11:00	00:00			

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</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	09:00	23:30	<u>Please give further details here</u> (please read guidance note 5) Playing of recorded unamplified live music via background music		
Tue	09:00	23:30			
Wed	09:00	23:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur	09:00	23:30			
Fri	09:00	00:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	09:00	00:30	Christmas eve until 02:00 Boxing day until 01:00 New Years Eve until 02:00 Bank holiday Monday till 00:30		
Sun	09:00	00:30			

G

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</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00	23:00	<u>Please give further details here</u> (please read guidance note 5) Dancing indoors		
Tue	11:00	23:00			
Wed	11:00	23:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur	11:00	23:00			
Fri	11:00	00:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	11:00	00:00	Christmas eve until 01:00 Boxing day until 00:30 New Years Eve until 01:30		
			Bank holiday Monday til 00:00		
Sun	11:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Mon	09:00	23:00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09:00	23:00	<u>Please give further details here</u> (please read guidance note 5)		
Wed	09:00	23:00			
Thur	09:00	23:00	<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)		
Fri	09:00	00:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	09:00	00:00	Christmas eve until 01:00 Boxing day until 00:30 New Years Eve until 01:30 Bank holiday Monday till 00:00		
Sun	09:00	00:00			

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5) Sale of late night refreshments on and off site		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) Christmas eve until 01:00 Boxing day until 00:30 New Years Eve until 01:30 Bank holiday Monday till 00:00		
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 (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	11:00	23:00	Christmas eve until 01:00 Boxing day until 00:30 New Years Eve until 01:30 Bank holiday Monday til 00:00		
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)		
			Christmas eve until 01:00 Boxing day until 00:30 New Years Eve until 01:30 Bank holiday Monday till 00:00		
Fri	11:00	00:00			
Sat	11:00	00:00			
Sun	11:00	00:00			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>NO</p>
--

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 8)</p>			<p><u>State any seasonal variations</u> (please read guidance note 6)</p>
Day	Start	Finish	
Mon	09:00	23:30	
Tue	09:00	23:30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)</p> <p>Christmas eve until 02:00 Boxing day until 01:00 New Years Eve until 02:00 Bank holiday Monday till 00:30</p>
Wed	09:00	23:30	
Thur	09:00	23:30	
Fri	09:00	00:30	
Sat	09:00	00:30	
Sun	09:00	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.

None

Please tick as appropriate

- 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 not enclosed the premises licence or relevant part of premises licence.

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 and e) (please read guidance note 11)

None – current operating schedule already promotes licensing objectives

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

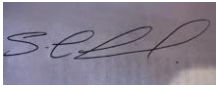
Please tick to indicate agreement

- 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	
Date	09/05/2023
Capacity	82

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

Signature	
Date	
Capacity	

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

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

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.
 - 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.

Rep 8a – withdrawn

Rep 9a

Re Variation of Premises License for Stuart Call Ford - “Steptoos, 192 High Street, Kimberworth”.

Dear Sir/Madam,

[REDACTED] I have the following concerns/issues that I want to raise which are related to one of the four licensing principles:

The prevention of public nuisance

Three years ago when the representation process was initiated for granting a premises license to “Steptoos” bar, myself and another resident were able to chat to Mr Ford regarding our concerns. We came to an amicable agreement to address these concerns so did not require a formal hearing. Mr Ford has mostly stuck to what was agreed and public nuisance has been kept to a minimum. Noise has mostly been contained within the building. I have a couple of new concerns regarding the changes Mr Ford has requested:

1. Noise levels when people are outside/at end of night when people are leaving:

The highest noise levels are when people are outside either smoking or at the end of the evening when they are waiting for transport/are dispersing. People can be quite loud after they have been drinking all evening and no amount of notices/staff intervention tends to stop this. The finishing time is now going to be 1 hour later per day – over the weekend people will be leaving around midnight. I don’t want there to be an increase in noise levels or anti-social behavior due to the later finishing.

2. Increased noise levels caused by live music/dance:

As stated most of the noise from the premises so far has been contained within the building. Mr Ford has already had some live acoustic music on occasion at the weekends which has not really caused a nuisance. If he now intends to add live amplified music/dance, I do not want there to be an increase in noise levels coming from the building. As the premises is a small size, it will be easy for amplified music to filter outside and cause a nuisance. I don’t want banging music coming from the premises all evening and also beyond 11pm. If the premises has live music or dance, the front doors (and any windows) should be kept closed to mitigate this and music volume lowered. The premises has air conditioning/heating so the doors should not be left open anyway.

Summary

As stated since the bar opened, Mr Ford has for the most part stuck to what was agreed to keep disruption to my property and the surrounding area to a minimum. I do not want any changes to the license or planning to make the situation/nuisance worse. If these license changes are ratified and there is an increased level of noise as a result of the later opening or live music/dance, then I will take the matter further. This will include complaints to Licensing and Environmental Health.

Rep 10a

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

[REDACTED] d

Sent: 02 June 2023 09:34

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

Subject: Steptoos cafe bar

Hi

We would just like to put our point AGAINST having extra licensing hours at Steptoos cafe bar.

We [REDACTED] didn't want the bar to open in the 1st place but it went ahead anyway.

Mr Ford also said there would not be any music as it was going to be a place where people could sit and chat so he's gone against his word as having music and dancing on at weekends already.

The residents were never contacted about the music licence and also him wanting extra licensing hours by post.

A neighbour found by chance an application paper on the floor that had been ripped down from a telegraph pole so if he hadn't found it we would be none the wiser.

We Object to extra licensing hours which would result into noise from customers and taxis outside our property in the early hours.

The bar opens early in the day so why open longer at night ????

We are also experiencing a droning noise from steptoos extractor fans x3 on all the time which is annoying.

I'm hearing it now writing this email to you and I'm sat in my conservatory. Can anything be done about that ??

Kind regards,

[REDACTED]

Rep 11a

Licencing,
RMBC, Wing A Floor 3
Riverside House,,
Main Street, Rotherham,
S60 1AE



STEPTOES 192 HIGH STREET, KIMBERWORTH – Variation of Premises License.

Dear Sir/Madam,

With regard to the application by the above to vary the premises license with extended hours and addition of live music I wish to put forward my concerns under the following heading:-

The Prevention of public nuisance:

I am led to believe that Steptoes Bar on High Street, Kimberworth has applied for a Live Music License and extended hours to 23.00 hours Monday to Thursday and Midnight Friday to Sunday.

The Colin Public House opposite has also loud gigs at weekend and the noise can be heard by nearby residents, especially when the punters disembark full of booze.

Steptoes Bar, up to now has been a pleasant venue to relax and enjoy a quiet evening out, but extended licensing hours plus live music will only cause more disruption and anger with the surrounding residents. Another point is that residents including myself are constantly picking up Bottles, Cans, and empty glasses from front gardens, road side and pavements. This will no doubt increase and I don't see any reason why the nearby residents should be subjected to further unpleasantness.

Yours faithfully

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From: Stuart Ford

Subject: Re: REPRESENTATIONS TO APPLICATION TO VARY A PREMISES LICENCE - STEPTOE'S CAFE,
192 HIGH STREET, KIMBERWORTH, ROTHERHAM S61 2DT

Rep 8a

Dear resident,

We would like to take this opportunity to address your concerns regarding our application to extend hours and have live unamplified music with the relevant permissions for customers to dance if they see fit.

The application does state that all music will be unamplified and will be finished by 11pm every night. This is not intended to take away from being a nice, relaxed bar, just to add a different form of entertainment. All music is kept to a reasonable volume and monitored by us.

In response to the parking issues addressed we are unaware that any of our customers are leaving cars overnight anywhere other than our car park. At busy times of course some park on the street but if they are parked legally, we don't see this as an issue. Any parking issues or blocked drives should be addressed with the vehicle owners. We of course do not condone this kind of parking but feel that where people choose to park is out of our control. Please feel free to call in if there are any parking issues in the future.

Kind regards,
Stuart Ford
Stepto's Cafe Bar

Rep 9a

Dear resident,

We would like to take this opportunity to respond to your concerns regarding the application to vary our license.

We have applied for multiple late opening TENS notices over the last three years and have found that opening later spreads out the times that customers tend to leave. As it stands our closing time is very early for a pub, disrupts our customers evening, and results in us having to what is often over 50 people to leave at closing time. We are confident that in opening an hour later, customers would disperse in smaller groups of their own accord which would mean there wasn't a sudden influx of customers into the car park and street at closing time. We do have signage asking customers to keep noise to a minimum when smoking and leaving and do ask those who are particularly loud to lower their volumes. In terms of anti-social behaviour we are an active member of our local Pubwatch group, and work extremely hard to ensure there is no anti-social behaviour in or outside the premises. In the three years we have been open we have had no major incidents of anti-social behaviour, crime or disorder.

Regarding your concerns about the music, the application states that music will continue to be unamplified, and that all live music will be finished by 11pm. We are happy to keep the door closed while any music is playing and will continue to actively monitor the sound levels from any live music, as we have done thus far.

Kind regards
Stuart Ford
Stepto's Café Bar

Rep 10a

Dear resident,

We would like to take this opportunity to address your concerns regarding our application to extend licensing hours.

While we didn't originally intend to have live music, all businesses grow and adapt, and this is something our customers and supportive community have expressed an interest in seeing here at Steptoos. There is currently no dancing, the license application only covers those who may wish to have a dance along to the music in future. All music will be unamplified and be finished before 11pm and should therefore cause no additional or later noise.

We have met all requirements by the council with regards to advertising our application which was posted in the Rotherham advertiser and displayed outside the bar. Unfortunately school children appear to have removed this which was replaced as soon as we were notified.

We have applied for multiple late opening TENS notices over the last three years and have found that opening later spreads out the times that customers tend to leave. As it stands our closing time is very early for a pub, disrupts our customers evening, and results in us having to what is often over 50 people to leave at closing time. We are confident that in opening an hour later, customers would disperse in smaller groups of their own accord which would mean there would not be a sudden influx of customers into the car park and street at closing time.

With regards to the noise from the extractor fans, we don't believe there to be an increase in noise created by them since we opened three years ago as all equipment is the same. We have however consulted an air conditioning engineer over the weekend to discuss how we can lower the volume of it and have since installed a timer on the main cellar cooling unit so that it only runs when necessary.

Kind Regards
Stuart Ford
Steptoos Café Bar

Rep 11a.

Dear Resident,

We would like to take this opportunity to address your concerns regarding our application to vary licensing hours.

We have no control over the noise created from The Colin and feel it is unfair to 'tar us with the same brush' as such when we actively work to keep noise to a minimum, and our music and entertainment is not of a similar nature or volume. I do feel that this comment should not bear relevance to the application as this noise does not come from Steptoos's.

With regards to rubbish, glasses, cans etc littering the area, again this we feel is us being blamed for other venues customers and actions. We have a restriction on drinks outside, and actively ensure that customers don't go outside with any drinks or bottles. This includes a sign inside, a large board outside and all staff always monitoring this.

Kind Regards
Stuart Ford
Steptoos Café Bar

Response to Conciliation from Rep 9A

I have received the replies from Mr Ford relating to my representation and have seen the comments made by the other representations.

I would like to continue my representation to a formal hearing please so that the issues can be discussed. I have the following comments I'd like to make regarding Mr Ford's replies to all the representations including mine:

1. Live Music (Responses 8a, 9a, 10a) - Mr Ford has stated that music will be unamplified. However if he gets the license change to allow "live music" this does not stop him from having amplified music in the future, thus will increase noise levels. There is no guarantee that he will stick to only having unamplified music without having this formally agreed.

2. Later Opening Hours (Responses 9a, 10a) - Mr Ford has stated that opening later will spread out people leaving and reduce noise. This may be the case but people having longer to drink may increase noise of people leaving if they are more intoxicated when they leave. It still means over the weekend that people will be leaving at or after midnight, possibly waiting for transport (taxis) which we don't have this late at the moment. His reason for doing this was to make more money, not to allow people to disperse.

3. Parking (Response 8a - off-topic) - In relation to parking issues, I agree that "legally" there is nothing we can do to stop people parking in front of our houses. It is a matter of consideration - people park here stopping residents parking even if the car park for Steptoos is empty. Sometimes cars are left all night or over the entire weekend.

4. Other noise & litter (Response 11a) - In relation to other noise issues (from "the Colin") Diane Kraus has acted on the complaint I made about "the Colin's" excessive noise. Over the last few weeks there has been much less noise although there are still issues after 11pm. I will continue to monitor this and take further action if needed. We do not want a similar situation happening with Steptoos causing more noise - only time will tell if the changes he's asked for cause more nuisance. In terms of the litter, bottles etc - I am not sure how much of an impact Steptoos itself has had on this, some of the increase will have come from "the Colin" pub opening again recently so it is unfair to blame just Steptoos.

5. Extractor fan noise (Response 10a) - When the premises license was granted 3 years ago, my and my mum's representations were discussed informally with Mr Ford at his bar rather than going to a formal hearing. I was particularly keen to make sure there would be no nuisance noise from any extractor fans on the side of the building. There was one air-con/heating unit outlet in the plans, in our first chat with Mr Ford, this increased to two outlets he said he needed. In our second chat with Mr Ford to finalise what we had agreed, he stated he needed a third unit on the outside for beer cooling. The other two air-con units had already been running and had not caused too much noise. He stated this new outlet would not cause any additional noise and this was what was signed off without a formal hearing.

I have not been fully happy with the noise levels since the bar opened but there has to be a little "give and take". The noise from the extractors had gradually gotten worse and become more noticeable over time. I did not expect the units to be running 24/7 at the same level of constant noise. I am unsure how many of these are turned on during the night when the bar is closed, but it is now an almighty drone of noise from across the road that I can hear. I would not be able to sleep in the front bedrooms of my house as a result of the buzzing - even with all the windows closed, there

is still a low hum through and is much louder if I even have the windows open "on vent". This is not what was agreed 3 years ago - Mr Ford said there would be no nuisance from the units.

For residential noise during night hours (11pm-7am) there is the "Noise Act 1996" governing volume levels. This is 34 decibels or 10 decibels above ambient background noise for the area. For commercial properties the "Environmental Health Act 1990" governs nuisance noise. The limits for these are similar to those in the "Noise Act" during night hours, but vary from council to council. I expect that the noise from the extractors droning all night at the same volume will be breaching these. I would like something to be done about this as well as Dave Worthington (168 High Street - response 10a). If this is not something that can be dealt with by licensing, I will make a complaint on the council website under Environmental Health noise complaints.

I am happy for my above observations regarding Mr Ford's replies to be sent to him.

If you require any further information from me, please do not hesitate to get in touch with me.

Response to Conciliation from Rep 10A

Having read the response from Stuart Ford about later opening hours and having un-amplified music.

He says it was in the advertiser which we don't buy so wouldn't have seen it anyway. Just by chance a resident found it on the floor where Mr Ford has blamed school children for pulling it off the post.

He also says over 50 of his customers leave the bar at closing time because the bar closes too early. By having an extra hour he assumes people will not all leave together.

The longer the bar is open the longer his customers will drink and will still leave together at closing time not a smaller influx as he states in his letter.

The extractor fans seem to have got noisier over time, he's not listening to them 24/7 like we are living right next door.

We can't have the bedroom window open at night where it's at it's loudest because of the droning noise, maybe because it's quiet, no traffic going past and it's more noticeable which is unacceptable it's us that's suffering not Mr Ford