

LICENSING SUB-COMMITTEE

Date and Time:- Tuesday 28 May 2024 at 10.00 a.m.

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

Membership:- Councillors Monk (Chair), Bennett-Sylvester and Jones.

The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes.

Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

AGENDA

- 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 Chair is of the opinion should be considered later in the agenda as a matter of urgency**
- 3. Application (made in accordance with s.34 of the Licensing Act 2003) for the variation of the Premises Licence issued to TBO Limited in respect of the premises known as Yellow Broom situated at Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham. S66 2SE (Pages 3 - 52)**

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Licensing Act 2003 - Hearing Procedure – Variation of a Premises Licence

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 following parties to introduce
 - a. themselves:
 - b. the applicant and any witnesses they wish to call.
 - c. any person who has made representations and any witnesses they wish to call.
3. The Licensing Officer will introduce the report and provide any updates.
 - a. Questions **solely concerning the report** can be asked by Members, the applicant and by persons making representations.
4. The Chair of the Licensing Sub Committee will then invite:
 - a. **any person who has made representations** to present their representations and call any witnesses

Note: Members of the Sub Committee, followed by the applicant may ask questions of all persons who have made representations and their witnesses.

- b. **the applicant** to present their application, respond to the representations, and call any witnesses

Note: Members of the Sub Committee, followed by any person who has made representations may ask questions of the applicant and their witnesses.

5. **The licence holder will then be given the opportunity to sum up**
6. 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.
7. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder.

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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Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 28th May 2024 at 10:00 hours (10am)

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 TBO Limited in respect of the premises known as Yellow Broom situated at Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham S66 2SE.

Report Author

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

Report Summary

On the 26th March 2024 an application was made by TBO Limited to vary the terms, conditions, and restrictions of the Premises Licence currently in force in respect Yellow Broom, Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham S66 2SE.

Representations to the application have been made.

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 (P1152)
- Appendix 2 Location details
- Appendix 3 Application under consideration
- Appendix 4 Representations
- Appendix 5 Conciliation - applicants response to the representations

Background Papers

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

Revised guidance issued under section 182 of the Licensing Act 2003 (Dec 2023)
(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) by TBO Limited for the variation of the Premises Licence currently in force in respect of Yellow Broom, Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham S66 2SE

1. Background

- 1.1 A Premises Licence was first issued to TBO Limited in respect of Yellow Broom, Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham S66 2SE on 1st September 2023. Previous to this the premises had not had the benefit of a licence issued under the Licensing Act 2003. The application for the grant of a Licence was unopposed and therefore issued under Officer delegated authority.
- 1.2 A copy of the Licence issued to TBO Limited on 1st September 2023 for the premises known Yellow Broom and situated at Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham S66 2SE is attached at Appendix 1. This Licence authorises the sale of alcohol for consumption on the premises on:
- Monday to Thursday between 12:00 hours and 21:30 hours; and
 - Friday to Sunday between 12:00 hours and 23:00 hours
- 1.3 The Licence is subject to the mandatory conditions, set out in Annex 1, together with the conditions offered by the applicant during the initial application process, which are set out in Annex 2. Annex 3 of the Licence is blank, as there have been no conditions attached to date by the Licencing Authority. The layout plan of the premises, which identifies the outdoor patio area, is attached at Annex 4 of the Licence.

2. Key Issues

Location of the Premises

- 2.1 Attached at Appendix 2 to the report are plans showing the location of Yellow Broom, Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham S66 2SE.

The application

- 2.2 On 26th March 2024 an application was made by TBO Limited for a variation of the Licence issued to the Company in respect of Yellow Broom, Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham S66 2SE. A copy of the application is attached at Appendix 3.
- 2.3 The application seeks to:
- Extend the latest hour for the sale of alcohol by one hour on each of the days Monday to Thursday, from 9.30pm to 10.30pm;
 - Extend the latest hour for the sale of alcohol on New Year's Eve until 1am on the day following; and

- Allow the sale of alcohol for consumption off the premises on every day of the week.

Note: The application also requests to extend the latest hour to 10.30pm on Bank Holiday Mondays and Christmas Eve and Boxing Day, when they fall on a Monday to Thursday. However, a 10.30pm finish will automatically apply on these dates if the application is granted.

2.4 Section M of the variation application form (attached at Appendix 3) sets out the steps the Licence holder will take to promote the licensing objectives. These steps are all already a condition of the existing Licence. However, during the conciliation process the Licence holder offered that, if the application is granted and the sale of alcohol for consumption off the premises allowed, the following additional condition:

- The purchase of alcohol for off-site consumption is limited to 'specialist craft beer'.

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 A letter making representations against the grant of the variation application was received, a copy of which is attached at Appendix 4.

2.7 The detail of the representation was provided to the applicant, TBO Limited. Mr Simmonite responded to the representation on behalf of the Company, via the Licensing Office. A copy of this response is attached at Appendix 5.

2.8 Conciliation failed to lead to the withdrawal of the representation. In response to the conciliation letter the person making representations stated:

- *I am grateful for the offer to meet the owners and staff, or to phone, however I do not want to have this contact.*
- *Regarding the offer to amend the licensing application to state that only "specialist craft beer" may be sold for consumption off the premises: I am not aware that licensing and consumer law in England and Wales have a clear and legal definition of "specialist craft beer". If so it would not be possible to enforce such a licensing condition. It also remains a more significant concern that the sale of alcoholic drinks, at night and later than the closing time of nearby retail outlets which sell alcohol (Aldi Supermarket on Bawtry Road, and James Retail which operates a*

confectionery/news/tobacco and groceries/ convenience/off-licence type shop under the title Bargain Booze, on Main Street, both of which have licences to sell alcohol) would increase the risk of antisocial behaviour and crime and disorder.

2.9 Having regard to their response, the Licensing Officer provided the person making representations with the following additional information:

- *Aldi Supermarket on Bawtry Road has a Licence that allows the sale of alcohol for consumption off the premises on every day of the week between 7am and 11pm, albeit they may not operate as late as this.*
- *Bargain Booze on Main Street has a Licence that allows the sale of alcohol for consumption off the premises on each of the days Monday to Saturday between 9am and 11pm and on Sunday between 10am and 10.30pm.*
- *There is no definition of “specialist craft beer”. If this condition was on the Licence, then it would be a matter for Council and Police Licensing Officers to determine any breach.*

2.10 The person local making representations to the application has been invited to the hearing today and advised that, if attending, they 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

APPENDIX 1
Licensing Act 2003
Premises Licence
P1152

Part 1 - Premises Details

| POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION | | | |
|---|--------------------|-----------|---------|
| Yellow Broom | | | |
| Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham, South Yorkshire, S66 2SE. | | | |
| WHERE THE LICENCE IS TIME LIMITED THE DATES | | | |
| Not applicable | | | |
| LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE | | | |
| - the sale by retail of alcohol | | | |
| THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES | | | |
| Activity (and Area if applicable) | Description | Time From | Time To |
| The sale by retail of alcohol for consumption ON the premises only | Monday to Thursday | Noon | 9:30pm |
| | Friday to Sunday | Noon | 11:00pm |
| | | | |
| THE OPENING HOURS OF THE PREMISES | | | |
| | Description | Time From | Time To |
| | Monday to Thursday | Noon | 10:00pm |
| | Friday to Sunday | Noon | 11:30pm |
| WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES | | | |
| - The sale by retail of alcohol for consumption ON the premises only | | | |

Part 2

| NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE | |
|--|--|
| TBO Limited TBO.craftbars@gmail.com | 6 Ryecroft Crescent, Sheffield, South Yorkshire, S10 5FD. Telephone 07809577289 |
| REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE) | |
| TBO Limited | 14894730 |
| NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL | |
| Alex PURDY | 133 Retford Road, Hansworth, Sheffield, South Yorkshire, S13 9LB. |
| PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL | |
| Licence No. SY07375PER | Issued by Sheffield |

Licensing Act 2003

Premises Licence

P1152

ANNEXES

Mandatory Conditions

All Premises Licence authorising supply of alcohol

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

1. No supply of alcohol may be made under the Premises Licence -
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or 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.
- (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of 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

The CCTV system installed at the premises shall be kept in good working order.

Images captured on CCTV shall be of good quality and show the date and time that the recording was made.

CCTV recordings shall be kept for 31 days, and the CCTV system shall be capable of making a copy of recordings.

CCTV recordings shall be made available to the police or officers of the Licensing Authority upon request.

A "Challenge 25" proof of age policy shall be operated. This means that persons who appear to be under the age of 25 must produce id before being sold alcohol. Only the following forms of id shall be accepted:

- passport or photo-card driving licence; or
- proof of age card bearing the official 'PASS' accreditation hologram.
- a military ID cards.

A refusals log, in which a record of any occasions that a member of staff has refused to sell alcohol, shall be maintained. This refusals log shall be made available to the police or authorised officers of the Licensing Authority upon request.

Notices shall be displayed in a clear and prominent position inside the premises stating that:

- Challenge 25 is in operation; and
- Warning people that it is an offence to buy alcohol for under 18's

An incident book/register shall be maintained, in which the following shall be recorded

- All incidents of crime and disorder occurring at the premises; and
- Details of occasions when the police are called to the premises.

The incident book/register shall be made available for inspection by a police officer or authorised officers of the Licensing Authority upon request.

A zero tolerance to drugs shall be operated. Any person found to be taking drugs will be ejected from the premises.

Regular checks of the toilets and outdoor area shall be carried out to make sure drugs are not being taken. These check will be recorded, and a copy of this record will be made available police officer or authorised officers of the Licensing Authority upon request.

Notices shall be displayed advertising that the premises operates a "Zero tolerance to drugs policy "

Any drugs seized shall be kept in a locked container until collected by the Police.

Any customers behaving in an anti-social manner shall be asked to leave the premise.

The premises shall be operate in accordance with the "Ask Angela" scheme and notices to this effect shall be displayed in the female w/c provision.

The DPS, or their representative, will attend meeting of any Pubwatch that operates in the area.

All staff engaged in the retail of alcohol shall be trained on the Challenge 25 policy and the method of recording any refusals, preventing proxy sales, and not selling alcohol to persons who appear drunk.

All staff shall be trained in:

- the need to report, and record, any instances of crime and disorder occurring at, or nearby, the premises.
- the premises drugs policy and what to do if drugs are found or seized;
- How to respond to an emergent situation; and
- the practical operation of the Ask Angela" scheme, including what to do if a customer asks for help.

Staff training shall take place upon commencement of employment and every year thereafter.

A written record of the training provided to staff shall be kept, and this record shall be made available to the police or authorised officers of the Council upon request

A first aid medical kit shall be kept on the premises at all times.

The premises shall have adequate air conditioning and ventilation so as to control temperature and humidity.

All electrical and fire appliances shall be subject to routine inspections to maintained in accordance with current safety regulations.

Emergency exits shall be kept free of obstruction at all times.

The main door to the premises shall be kept will be closed at all times, other than to allow entry and exits.

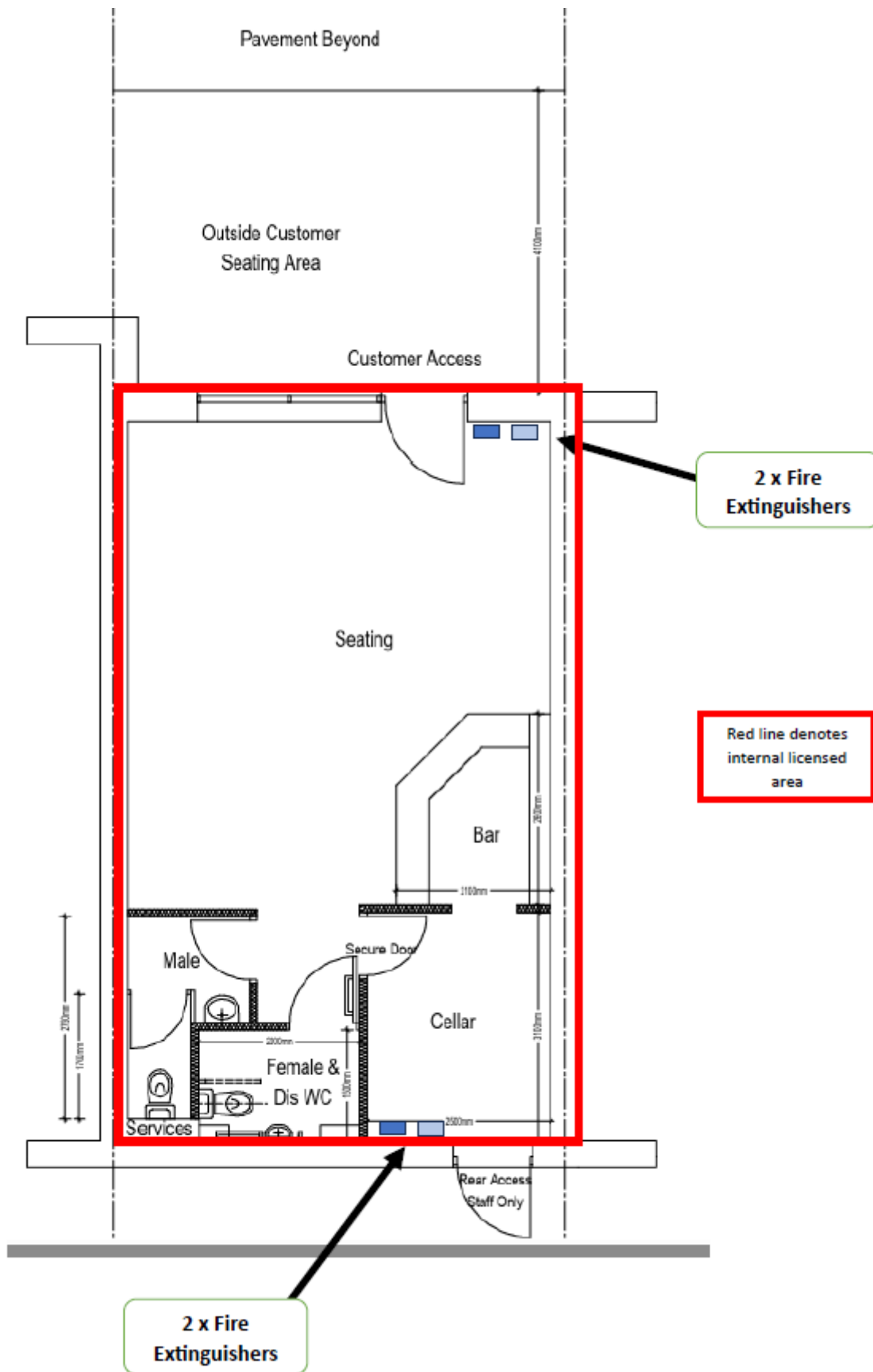
No person shall be allowed to consume alcohol on the outdoor patio area to the front of the premises after 21:00 hours.

Notices shall be displayed at the premises exit reminding customers to leave the premises in a quiet and orderly manner.

No adult entertainment, services or other activities shall be provided at the premises.

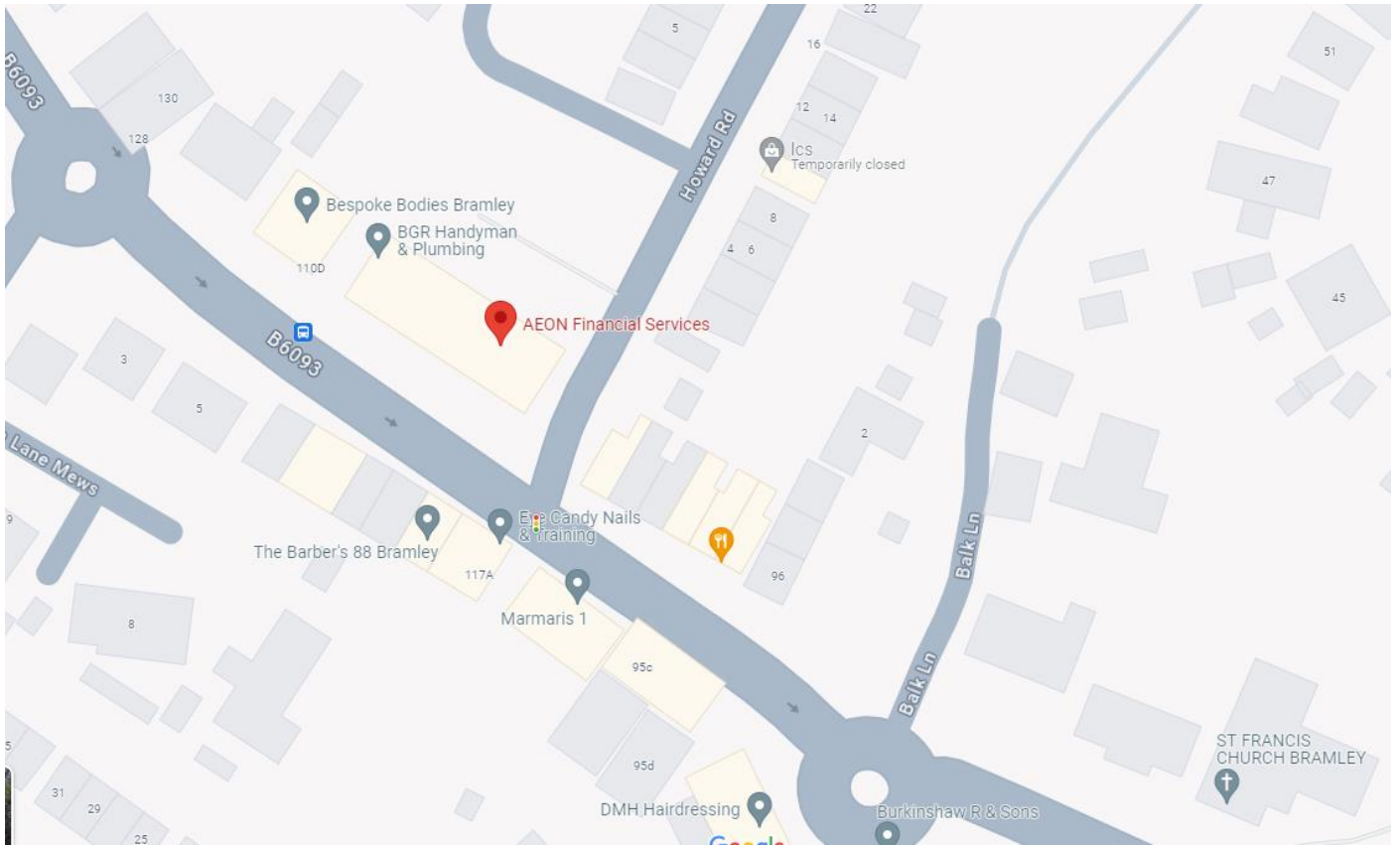
Annex 3 **Conditions attached after a Hearing of Licensing Authority**

None



APPENDIX 2

Location Map



Street View



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Appendix 3

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure 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 TBO Limited

(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 |
|--------------------------------|

| |
|-------|
| P1152 |
|-------|

Part 1 – Premises Details

| |
|--|
| Postal address of premises or, if none, ordnance survey map reference or description Yellow Broom Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham, South Yorkshire, S66 2SE. |
|--|

| | | | |
|-----------|-----------|----------|---------|
| Post town | Rotherham | Postcode | S66 2SE |
|-----------|-----------|----------|---------|

| | |
|---------------------------------------|--|
| Telephone number at premises (if any) | |
|---------------------------------------|--|

| | |
|---|--------|
| Non-domestic rateable value of premises | £6,200 |
|---|--------|

Part 2 – Applicant details

| | |
|----------------------------------|-------------|
| Daytime contact telephone number | 07809577289 |
|----------------------------------|-------------|

| | |
|---------------------------|-------------------------|
| E-mail address (optional) | Tbo.craftbars@gmail.com |
|---------------------------|-------------------------|

| | |
|---|--|
| Current postal address if different from premises address | |
|---|--|

| | | | |
|-----------|--|----------|--|
| Post town | | Postcode | |
|-----------|--|----------|--|

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)

We would like to extend our licensable hours as below:

Sale of alcohol

- Monday to Thursday – currently Noon to 9:30pm (extend to 10.30pm)
- Christmas Eve (24/12) – noon to 10.30pm
- Boxing Day (26/12) – noon to 10.30pm
- New Years Eve (31/12) – noon to 1.00am on the day following
- All bank holiday Mondays – noon to 10.30pm

Opening hours

- Monday to Thursday – currently Noon to 10.00pm (extend to 11.00pm)
- Christmas Eve (24/12) – noon to 11.00pm
- Boxing Day (26/12) – noon to 11.00pm
- New Years Eve (31/12) – noon to 1.30am on the day following
- All bank holiday Mondays – noon to 11.00pm

We would also like to allow the sale of alcohol for consumption off the premises. This is to allow the sale of specialist craft beers to be purchased by customers for consumption at home.

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:

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 type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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) | | | Will the performance of a play take place indoors or outdoors or both – please tick (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 | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 6) | | |
| | | | | | |
| Wed | | | <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) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

B

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|---|-------|--------|---|----------|--------------------------|
| Films Standard days and timings (please read guidance note 8) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (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) | | | <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 | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6) |
| | | | |
| | | | |
| Wed | | | <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) |
| | | | |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
| | | | |
| 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 | <u>Please give further details here</u> (please read guidance note 5) | | | | | |
| Mon | | | | | | | | |
| 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) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4) | Indoors | <input type="checkbox"/> |
|--|-------|--------|--|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) <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) | | |
| Mon | | | | | |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

F

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

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 type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

H

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| <p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p> | | | <p>Please give a description of the type of entertainment you will be providing</p> | | |
| Day | Start | Finish | <p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p> | Indoors | <input type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | | | <p><u>Please give further details here</u> (please read guidance note 5)</p> | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | <p><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)</p> | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | <p><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)</p> | | |

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 type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) | | |
| Wed | | | | | |
| Thur | | | <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) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

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 | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6) | | |
| Mon | 1200 | 2230 | | | |
| Tue | 1200 | 2230 | | | |
| Wed | 1200 | 2230 | | | |
| Thur | 1200 | 2230 | | | |
| Fri | 1200 | 2300 | | | |
| Sat | 1200 | 2300 | | | |
| Sun | 1200 | 2300 | | | |
| | | | <u>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</u> (please read guidance note 7) | | |

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>NONE</p> |
|--|

L

| | | | |
|--|-------|--------|--|
| Hours premises are open to the public Standard days and timings (please read guidance note 8) | | | <u>State any seasonal variations</u> (please read guidance note 6) |
| Day | Start | Finish | |
| Mon | 1200 | 2300 | |
| Tue | 1200 | 2300 | <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) |
| Wed | 1200 | 2300 | |
| Thur | 1200 | 2300 | |
| Fri | 1200 | 2330 | |
| Sat | 1200 | 2330 | |
| Sun | 1200 | 2330 | |
| | | | |

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)

The CCTV system installed at the premises shall be kept in good working order.

Images captured on CCTV shall be of good quality and show the date and time that the recording was made.

CCTV recordings shall be kept for 31 days, and the CCTV system shall be capable of making a copy of recordings.

CCTV recordings shall be made available to the police or officers of the Licensing Authority upon request.

A “Challenge 25” proof of age policy shall be operated. This means that persons who appear to be under the age of 25 must produce id before being sold alcohol. Only the following forms of id shall be accepted:

- passport or photo-card driving licence; or
- proof of age card bearing the official ‘PASS’ accreditation hologram.
- a military ID cards.

A refusals log, in which a record of any occasions that a member of staff has refused to sell alcohol, shall be maintained. This refusals log shall be made available to the police or authorised officers of the Licensing Authority upon request.

Notices shall be displayed in a clear and prominent position inside the premises stating that:

- Challenge 25 is in operation; and
- Warning people that it is an offence to buy alcohol for under 18’s

An incident book/register shall be maintained, in which the following shall be recorded

- All incidents of crime and disorder occurring at the premises; and
- Details of occasions when the police are called to the premises.

The incident book/register shall be made available for inspection by a police officer or authorised officers of the Licensing Authority upon request.

A zero tolerance to drugs shall be operated. Any person found to be taking drugs will be ejected from the premises.

Regular checks of the toilets and outdoor area shall be carried out to make sure drugs are not being taken. These check will be recorded, and a copy of this record will be made available police officer or authorised officers of the Licensing Authority upon request.

Notices shall be displayed advertising that the premises operates a “Zero tolerance to drugs policy “

Any drugs seized shall be kept in a locked container until collected by the Police.

Any customers behaving in an anti-social manner shall be asked to leave the premise.

The premises shall be operate in accordance with the “Ask Angela” scheme and notices to this effect shall be displayed in the female w/c provision.

The DPS, or there representative, will attend meeting of any Pubwatch that operates in the area.

All staff engaged in the retail of alcohol shall be trained on the Challenge 25 policy and the method of recording any refusals, preventing proxy sales, and not selling alcohol to persons who appear drunk.

All staff shall be trained in:

- the need to report, and record, any instances of crime and disorder occurring at, or nearby, the premises.
- the premises drugs policy and what to do if drugs are found or seized;
- How to respond to an emergent situation; and
- the practical operation of the Ask Angela” scheme, including what to do if a customer asks for help.

Staff training shall take place upon commencement of employment and every year thereafter.

A written record of the training provided to staff shall be kept, and this record shall be made available to the police or authorised officers of the Council upon request.

b) The prevention of crime and disorder

As above

c) Public safety

A first aid medical kit shall be kept on the premises at all times.

The premises shall have adequate air conditioning and ventilation so as to control temperature and humidity.

All electrical and fire appliances shall be subject to routine inspections to maintained in accordance with current safety regulations.

Emergency exits shall be kept free of obstruction at all times.

d) The prevention of public nuisance

The main door to the premises shall be kept will be closed at all times, other than to allow entry and exits.

No person shall be allowed to consume alcohol on the outdoor patio area to the front of the premises after 21:00 hours.

Notices shall be displayed at the premises exit reminding customers to leave the premises in a quiet and orderly manner.

e) The protection of children from harm

No adult entertainment, services or other activities shall be provided at the premises.

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 | M Simmonite |
| Date | 18 March 2024 |
| Capacity | Company Director, TBO Limited |

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)

Matthew Simmonite
TBO Limited
6 Ryegate Crescent

| | | | |
|------------------|------------------|------------------|----------------|
| Post town | Sheffield | Post code | S10 5FD |
|------------------|------------------|------------------|----------------|

| | |
|----------------------------------|--------------------|
| Telephone number (if any) | 07809577289 |
|----------------------------------|--------------------|

| |
|--|
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) tbo.craftbars@gmail.com |
|--|

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.

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APPENDIX 4

23 April 2024

Dear Sirs

Representation relating to application for grant of a new premises licence

I am writing in regard to the above licence application by TBO Limited for the premises called Yellow Broom, Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham, S66 2SE.

I am concerned that the application, if granted, would increase the likelihood of antisocial behaviour and crime and disorder in the community where the premises are situated. The area around these premises is residential. Residents include families with young children, elderly people, and disabled people.

The application requests licence to allow the sale of alcohol for consumption off the premises. If alcohol is sold and consumed off the premises, there is little or no control over its consumption. In particular such sales would be taking place at a later time of night than the local retail premises which sell alcohol for consumption off the premises. Consequently there is increased likelihood of persons purchasing alcohol and consuming it in the fixed seating outside the front of the Yellow Broom after the premises close, or in local public places such as benches, bus shelters, and the local parks and recreation grounds. This would present opportunity for excessive noise, vandalism, disturbance and other antisocial behaviour to occur, to the detriment of residents. It would be unreasonable to allow activities giving scope for antisocial behaviour and crime and disorder, to the detriment of local residents.

I am also concerned that the increased opening hours on Monday – Thursday and New Year's Eve in the application would, if granted, lead to more time for people to consume alcohol in the premises and more people visiting to do so in a small venue, with, according to the floor plan, few toilet facilities. More custom is likely to produce more noise in the venue and the fixed seating drinking area to the front of the premises, and other forms of antisocial behaviour such as urinating in public. There are no public toilets in the vicinity; there is not local infrastructure or facilities to prevent such anti social behaviour.

You are no doubt aware that similar concerns about antisocial behaviour and crime and disorder have arisen in Wickersley and have adversely affected residents living there. These matters are described in the Rotherham Borough Council Cumulative Impact Policy 2020-2023.

In conclusion therefore, the above forms my objection to the application for the grant of a new premises licence.

Yours sincerely

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APPENDIX 5

Please find our responses to the representations made against the licence variation application for Yellow Broom, Unit 2 AEON Court, 108 Main Street, Bramley, Rotherham, S66 2SE.

Firstly, we'd like to thank the individual for their representations. We would also welcome them to visit and/or meet with us (as business owners) and our bar manager and supervisor to further discuss these concerns if they wish. Equally if they would prefer to call me – my number is



We are a local business who are community based with local people at heart. We have offered responses below which we hope will address the concerns raised.

I am concerned that the application, if granted, would increase the likelihood of antisocial behaviour and crime and disorder in the community where the premises are situated. The area around these premises is residential. Residents include families with young children, elderly people, and disabled people.

- *We understand the concerns of antisocial behaviour in any neighbourhood, but particular linked to establishments that serve alcohol. We have a **zero-tolerance policy** towards anti-social behaviour of any nature.*
- *Our manager has over 20 years experience of managing pubs and bars, which was a pre-requisite when recruiting, to ensure Yellow Broom was a bar of choice for people who wanted to socialise as a community, and not come to drink themselves into oblivion. We feel that we've achieved the former, which has been made possible by a dedicated and professional manager and supervisor.*
- *It's worth noting that since our opening in November 2023 – **we've not had a single anti-social behaviour incident or complaint.***
- *We are very mindful of the fact our neighbours are both residential and business. We go above and beyond to ensure customers are respectful of all our neighbours. This links to early closing for the outdoor area, ensuring areas are free from litter, and ensuring a welcoming environment across the board.*
- *You note residents include families with young children, elderly people and disabled people. As mentioned, we see ourselves as a community hub first and foremost, which brings people together to drink alcohol in a safe and secure environment. Our client base is very diverse – including families and older people. This client base is very much who we want to welcome at Yellow Broom.*
- *It's worth noting. The 'Mirco-bar/pub' movement is very different from your traditional pub / bars scene (to which you make reference in Wickersley). Our client base, are more discerning in that they are attracted by a rotating drinks selection from local and independent breweries. Customers don't come to Yellow Broom and drink 6/7 pints of*

lager, they come and try two, three different IPAs, strawberry beers, or exclusive wine for example.

- *It's also worth noting that all our staff have personal licenses, and we are part of the local 'Pub Watch' programme - again to ensure we are ultra rigid on the type of clientele we attract to Yellow Broom.*

The application requests licence to allow the sale of alcohol for consumption off the premises. If alcohol is sold and consumed off the premises, there is little or no control over its consumption. In particular such sales would be taking place at a later time of night than the local retail premises which sell alcohol for consumption off the premises.

- *The sale of alcohol for off-site consumption is limited to specialist 'craft-beer' cans. This is again linked to attracting customers who are attracted to the 'Micro-pub/craft beer' scene as I referenced above, more discerning in their choice about which breweries / beers they buy.*
- *Yellow Broom as an independent micro bar/pub has better access to interesting and unknown breweries, which is why customers are interesting in buying for off site consumption.*
- *The sale of these cans is often one / two at a time, where customers will buy a specialist beer from a particular brewery they like or an unusual brewery that is a 'limited edition'. Again this is not mass sale of low priced alcohol – which as you'll be aware is easily accessible at Bargain Booze down the road from Yellow Broom. We are not that type of outlet.*
- *As owners of the business, we are all 'Craft-beer' fans, and have followed the movement for years. The point being, we know how customers engage with our offer but more specifically the purchasing of specialist cans, which for many will be bought and sit in their 'collection' for a special day or to share with fellow craft beer fans.*
- *We are more than happy to amend the application to make it explicit that the purchase for off-site consumption is limited to 'specialist craft beer'*

Consequently there is increased likelihood of persons purchasing alcohol and consuming it in the fixed seating outside the front of the Yellow Broom after the premises close, or in local public places such as benches, bus shelters, and the local parks and recreation grounds.

- *I refer to the points made above. The purchase of alcohol to take away from Yellow Broom isn't associated with the type of individuals and groups who sit on benches, bus shelters, and local parks. However, I would suggest the products available at Bargain Booze (Low price, high percentage) are more aligned to that societal issue we often see.*

- *As for people drinking in the outdoor seating area. They are permitted to do so in our designated opening hours. However, we do not permit drinking in the seating outside of those hours. The bar manager and supervisor stay at the venue for at least one hour after closing to ensure a thorough ‘close down’ which includes full inspection of the premises and outdoor area, and moving customers on from the venue.*

This would present opportunity for excessive noise, vandalism, disturbance and other antisocial behaviour to occur, to the detriment of residents. It would be unreasonable to allow activities giving scope for antisocial behaviour and crime and disorder, to the detriment of local residents.

- *I refer back to the point above that that since our opening in November 2023 – **we’ve not had a single anti-social behaviour incident or complaint.***
- *We have several local residents, business neighbours who are willing to provide testimonies on our behalf, to illustrate how Yellow Broom is very much the opposite to being a vehicle for “excessive noise, vandalism, disturbance and other antisocial behaviour to occur, to the detriment of residents.”, but infact a community hub and social focal point, which we have always set out to achieve.*
- *We also work closely very with the adjoining businesses and AEON Financial Services above the Yellow Broom (who are the landlord for all businesses in our block) to ensure we have a joined up approach to anything that would be deemed detrimental to the surrounding area, residents or wider community.*
- *Our landlord (AEON financial services) have from the outset of our tenancy, set their very high expectation, around ensuring Yellow Broom doesn’t create problems because of anti-social behaviour due to the nature of the establishment, i.e. selling alcohol. We (the owners) absolutely hold this element of our business in the highest regard. This is our livelihood, and anything that would jeopardise our license, effectively impacts us, our families and our employees. Rest assured that all the concerns outlined in these representations, are areas we have addressed from the very start of our business opening. This has been done through open discussions with our landlord, adjoining businesses, Rotherham Licensing Team and our experience from running another existing Micro-Pub in Sheffield.*

I am also concerned that the increased opening hours on Monday – Thursday and New Year’s Eve in the application would, if granted, lead to more time for people to consume alcohol in the premises and more people visiting to do so in a small venue, with, according to the floor plan, few toilet facilities.

More custom is likely to produce more noise in the venue and the fixed seating drinking area to the front of the premises, and other forms of antisocial behaviour such as urinating in public. There are no public toilets in the vicinity; there is not local infrastructure or facilities to prevent such anti social behaviour.

- *The application for extended opening would provide us with flexibility to stay open if people are still in Yellow Broom. For example we have quiz night on a Wednesday, which with the current closing times, mean people finish the quiz and then within 30 minutes have to pack up and go home. Feedback from customers, is that it would be great to have a little extra time to chat after the quiz has finished.*
- *It's also worth noting that our sales trends show that indeed lots of people leave the venue around one hour before closing anyway, which is evidence of the type of venue we are – one where people come to socialise early and then leave to travel home at a reasonable hour. We are not a 'Wickersley Bar' where the drinking culture could be argued is significantly different to ours.*
- *In terms of footfall and WC facilities. We have a venue capacity that we adhere to as per the terms of our license. We also have two toilets (one fully disabled accessible) to ensure our customers are comfortable. We actually chose to include two WCs in the venue for that reason, when actually we could have just had one universal WC for the size of the venue.*
- *As per the points, I've raised above. The clientele of Yellow Broom aren't those that will be urinating outside of venues. People don't stay in the bar for long binge drinking sessions. Families, couples, friends, professionals, dogs, children all mix together to enjoy each others' company in a sophisticated and respectful manner. We aren't an exclusive 18-30s venue where there's a problem drinking culture.*
- *I very much hope this addresses your concerns. I'd reiterate the offer to meet us or give me a call. We like meeting everyone in the local community, whatever the context of the conversation.*

Best wishes

Matthew Simmonite

TBO Limited Director T/A Yellow Broom