

LICENSING SUB-COMMITTEE

Date and Time:- Tuesday 25 March 2025 at 2.30 p.m.

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

Membership:- Councillors Hughes (Chair), Beresford 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. Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence in respect of the premises known as Fuzion Bitez, situated at 62 Wales Road, Kiveton Park, Sheffield S26 6RD (Pages 3 - 55)**

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

1. The Chairperson of the Licensing Sub Committee will introduce the Committee members and ask officers to introduce themselves.
2. The Chairperson will then ask the following parties to introduce themselves:
 - a. the applicant, any person representing them and any witnesses they wish to call.
 - b. any person who has made representations, any person representing them and any witnesses they wish to call.
3. The Chairperson will then ask the Licensing Officer to introduce the report and provide any updates.
 - a. Questions to the Licensing Officer may be asked, **solely concerning the report**, by Members, the applicant and by persons making representations.
4. The Chairperson will then invite:
 - a. **any person who has made representations** to present their representations and call any witnesses they may have.

Note: Members of the Sub Committee, followed by the applicant may ask questions of all persons who have make representations to the hearing and their witnesses.
 - b. **the applicant** to present their application, respond to the representations, and call any witnesses they may have.

Note: Members of the Sub Committee, followed by any person who has made representations at the hearing may ask questions of the applicant and their witnesses.
5. **The applicant will then be given the opportunity to sum up**
6. The public hearing will then be concluded, and Members of 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.

Committee Name and Date of Committee Meeting

Licensing Sub-Committee - 25th March 2025 at 14:30 hours (2.30pm)

Report Title

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) by Anna Witham for the Grant of a Premises Licence in respect of the premises known as Fuzion Bitez, situated at 62 Wales Road, Kiveton Park, Sheffield S26 6RD.

Report Author(s)

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene
Tel: 01709 289536.

Report Summary

On the 30th January 2025 an application for the grant of a Premises Licence was made by Anna Witham in respect of the premises known as Fuzion Bitez, situated at 62 Wales Road, Kiveton Park, Sheffield S26 6RD.

The applicant, is seeking authorisation to allow the:

- Sale of Alcohol, for consumption on the premises, on every day of the week between 12 noon and 10.30pm; and
- Provision of Recorded Music, inside the premises, on every day of the week between 12 noon and 10.30pm.

Representations from seven (7) "Other Persons", all of whom are opposed to the grant of the application, have been received, together with a petition signed by twenty four (24) local residents who oppose to the application. Further detail of the application, and representations to it, are provided within the main body of the report.

Recommendations

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

List of Appendices Included

- Appendix 1 Location plan
- Appendix 2 Application form, together with premises layout plan
- Appendix 3 Representation from "Other Persons
- Appendix 4 Additional Information provided by the Applicant

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 (December 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.17 of the Licensing Act 2003 by Anna Witham for the Grant of a Premises Licence in respect of the premises known as Fuzion Bitez, situated at 62 Wales Road, Kiveton Park, Sheffield S26 6RD.

1. Background

- 1.1 The premises are not currently licensed under the Licensing Act 2003.
- 1.2 A location plan identifying the premises is attached at Appendix 1.

2. Key Issues

The Application

2.1 On 30th January 2025 an application for the grant of a Premises Licence was made by Anna Witham for the Grant of a Premises Licence in respect of the premises known as Fuzion Bitez, situated at 62 Wales Road, Kiveton Park, Sheffield S26 6RD. A copy of the application form, and accompanying layout plan, is attached at Appendix 2.

2.2 The application seeks to allow the:

- Sale of Alcohol, for consumption on the premises, on every day of the week between 12 noon and 10.30pm; and
- Provision of Recorded Music, inside the premises, on every day of the week between 12 noon and 10.30pm.

The premises are described as a restaurant, with a bar and seating area on both the ground and first floors, that also provides a takeaway service.

2.3 The Sub Committee will be aware that licensing deregulation allows limited forms of live and recorded music to be provided at a premises without the need for a Premises Licence. Sections 2.13 to 2.19 of the report provides additional information on licensing deregulation.

Offered Management Control Conditions

2.4 The management controls offered in the application, all of which would be made a condition of Annex 2 of any licence granted, are set out below:

- a) A CCTV system that covers the internal and exterior of the premises shall be fully maintained and operational.
- b) The CCTV system shall show accurate dates and times that images are recorded.
- c) CCTV images shall be kept for a minimum of 31 days and, if requested, made available for viewing, by the Police and/or Licencing Authority.

- d) There will be a Personal Licence Holder on the premises at all times.
- e) The Designated Premises Supervisor, or their nominated deputy, shall regularly attend local Pubwatch meetings.
- f) A record of each member of staff who is authorised to sell alcohol shall be kept on the premises. This record shall include the staff members full name, address, and date of birth.
- g) All staff shall be trained to request photographic identification to control the sale of alcohol to anyone under the age of 18 years old, and a “challenge 25” policy shall be operated.
- h) “Challenge 25” signs shall be on display at the premises..
- i) A log of all refusals made under the “Challenge 25” policy shall be kept on the premises. This log shall include the date of the refusal, the name of the member of staff who made the refusal and whether fake ID was used/seized.
- j) An incident book shall be kept on the premises. Any incidents of crime/disorder at the premises, together with whether the police have been called, shall be recorded in this book.
- k) The Designated Premises Supervisor, or their nominated deputy, shall check the “Challenge 25” log and incident book each week, and sign and date each check.
- l) The “Challenge 25” log and incident book shall be kept on the premises and will, if requested, made available for viewing, by the Police and/or Licencing Authority.
- m) The ‘Ask Angela’ scheme shall be in operation at the premises.
- n) A zero drug tolerance policy shall be in operation at the premises. This policy shall require that regular checks are carried out, and recorded, by management to prevent the use of drugs by customers.
- o) A copy of the premises drugs policy, and all associated records, shall be kept at the premises and, if requested, made available for viewing, by the Police and/or Licencing Authority.
- p) Doors, except for access and egress, and windows shall be kept closed and there will be no outside entertainment provided at the premises.
- q) Noise restrictive speakers shall be positioned away from external walls and regular sound checks to the inside & outside of the premises shall be carried out.
- r) Signage shall be is in place at the premises asking people to arrive and leave quietly

- s) There will be a sufficient number of staff on the premises at all times, regular glass collections shall be carried out and a taxi booking service shall be provided.
- t) No adult entertainment or services shall be provided at the premises.
- u) Children must be accompanied by a responsible adult at all times and shall not be permitted in the first floor bar area or the outside smoking area.
- v) The following measures are in place at the premises to ensure public safety:
 - Employers & public liability insurance.
 - Annual gas safety check.
 - Annual electrical check, PAT testing safety checks.
 - Up to date health & safety policy & risk assessments and asbestos survey of premises.
 - Sufficient lighting internally & externally.
 - Regular fire checks & servicing of fire detection & extinguishing equipment including 5 extinguishers located throughout the building.
 - Staff trained in emergency procedures.
- w) All staff will receive training on induction and yearly, on, 'Challenge 25', types of acceptable ID, method of recording refusals, refusing sales of alcohol to persons who appear to be drunk, preventing proxy sales, incident recording and when to call the Police, operation of the "ask Angela Scheme" and how to review the CCTV system if requested.
- x) Staff training shall be recorded and training records, shall be kept at the premises and, if requested, made available for viewing, by the Police and/or Licencing Authority.

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.
- 2.6 At the end of the consultation period representations, all of which are opposed to the grant of the application, have been received from seven (7) "Other Persons". In addition a petition, signed by twenty four (24) local residents who oppose to the application, has been submitted.

Representations

- 2.7 A copy of the representations received from "Other Persons", which comprise of two (2) from local Councillors and five (5) from local residents, together with the grounds of the petition signed by twenty four (24) local residents, is attached at Appendix 4.

- 2.8 The Sub Committee will note that the grounds of the petition state that signatories object to the grant of the application but fails to say which of the licensing objectives would be undermined if the application were to be granted. Having regard to this it is a matter for the Sub Committee to attach appropriate weight to the relevance of the petition.

Additional Information provided by the Applicant

- 2.9 The applicant, Anna Witham responded to the “Other Persons” in an attempt to address their concerns. A copy of the additional conciliation letter provided by Ms Witham, which has been circulated to the “other Persons” and the petition organiser, is attached at Appendix 4.
- 2.10 At the time of writing the additional information provided by the applicant has not led to the withdrawal of any of the representations or the petition.

The Hearing

- 2.11 The applicant, “Other Persons” and petition organiser have all been invited to the hearing today. All parties attending, will be given the opportunity to address the Sub-Committee in relation to the matters raised in the application and the representations they have made to it.
- 2.12 Members of the Sub-Committee should give full consideration of application submitted and the and representations to it, together any supporting evidence provided by any party prior to the date of the hearing. Documentary evidence provided on the day of the hearing should only be considered with the consent

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 Sub 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 Sub-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 Sub-Committee are:

- To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Sub-Committee may modify to such extent as they consider appropriate; or
- To reject the whole or part of the application (which may include the omission of certain licensable activities from the licence and / or the refusal to specify a particular individual as the Designated Premises Supervisor).

3.3 The statutory guidance makes it clear that Licensing Authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should 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 Sub-Committee'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 the Sub-Committee to decide that no lesser step will achieve the aim, the Sub-Committee should aim to consider the potential burden that the condition would impose on the applicant/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 Sub-Committee ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside those parameters. The Sub-Committee may 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 Sub-Committee is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence (if granted) and 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 Sub-Committee'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 the Sub-Committee 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 holder, which they should carry out before making their application for a premises licence. This would be translated into the steps recorded in the 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 has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence 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 in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder must be clear to the licence holder, enforcement officers and the courts.

Imposed conditions

- 3.15 The Sub-Committee 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. 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. 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.
- 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 Sub-Committee may accept hearsay evidence, and it will be a matter for the 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.

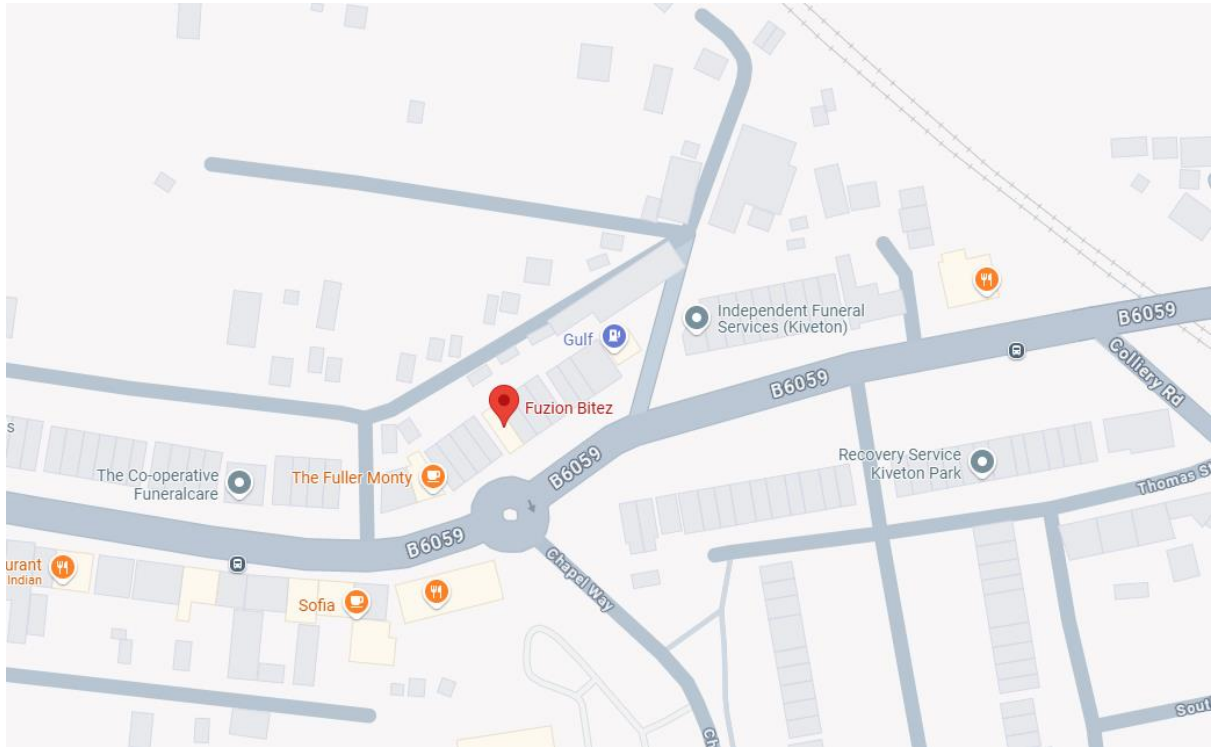
7. Risks and Mitigation

- 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)

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene

Appendix 1



HM Land Registry
Official copy of
title plan

Title number **SYK439563**
Ordnance Survey map reference **SK4882NE**
Scale **1:1250 enlarged from 1:2500**
Administrative area **South Yorkshire :**
Rotherham



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Appendix 1



Appendix 2

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

Please read the following instructions first

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

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

I **Anna Witham**

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Fuzion Bitez 62 Wales Road Kiveton Park			
Post town	Sheffield	Postcode	S26 6RD
Telephone number at premises (if any)		01909 318567	
Non-domestic rateable value of premises		£ 10,000	

Part 2 - Applicant details

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

a)	an individual or individuals *	<input checked="" type="checkbox"/>	please complete section (A)
b)	a person other than an individual *	<input type="checkbox"/>	
	i as a limited company/limited liability partnership	<input type="checkbox"/>	please complete section (B)
	ii as a partnership (other than limited liability)	<input type="checkbox"/>	please complete section (B)
	iii as an unincorporated association or	<input type="checkbox"/>	please complete section (B)
	iv other (for example a statutory corporation)	<input type="checkbox"/>	please complete section (B)
c)	a recognised club	<input type="checkbox"/>	please complete section (B)
d)	a charity	<input type="checkbox"/>	please complete section (B)
e)	the proprietor of an educational establishment	<input type="checkbox"/>	please complete section (B)
f)	a health service body	<input type="checkbox"/>	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	<input type="checkbox"/>	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	<input type="checkbox"/>	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	<input type="checkbox"/>	please complete section (B)

Appendix 2

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

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

(A) individual applicants (fill in as applicable)

Mr	Mrs	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		Witham		First names	
		Anna			
Date of birth		18-11-1985		I am 18 years old or over <input checked="" type="checkbox"/>	
Nationality		British			
Current residential address if different from premises address			10 Festival Close, Kiveton Park		
Post town	Sheffield			Postcode	S26 5LY
Daytime contact telephone number		07508449750			
E-mail address (optional)		anna.witham@yahoo.co.uk			
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service (please see note 15 for information)					

Second individual applicant (if applicable)

Mr	Mrs	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname		First names			
Date of birth or over		I am 18 years old		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 'share code' provided to the applicant by that service: (please see note 15 for information)					

Appendix 2

(B) Other applicants

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
07	02	2025

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

DD	MM	YYYY

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

The premises is a restaurant, located on the main road running through the village of Kiveton Park.

The restaurant is located on the corner of a main road, sharing one wall with the café next door and is situated in both a commercial and residential area.

The main entrance to the restaurant is located at the front of the building adjacent to the main road, leading into the main body of the restaurant. To the left of the entrance is a small reception area, to the right is a seating area with a sofa and surrounding areas is seating and dining tables. To the far right is a large kitchen area with an open view through to the kitchen and chef area. To the rear is a toilet with disabled access and baby changing facilities. To the rear far left are steps to a rear door, and staircase leading to additional seating and bar area. The bar is allocated to the far right with an additional toilet and staff office area.

Appendix 2

The rear of the building behind the kitchen has a patio area with outbuildings which is assessable either via the rear door inside the restaurant or from outside of behind the restaurant. The patio area may be used by customers should they wish to vape/smoke, alcohol will not be permitted to be consumed in this area or outside the building.

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

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

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

	Provision of regulated entertainment (please read guidance note 2)	Please tick all that apply
a)	plays (if ticking yes, fill in box A)	
b)	films (if ticking yes, fill in box B)	
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	
f)	recorded music (if ticking yes, fill in box F)	✓
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	

<u>Provision of late night refreshment</u> (if ticking yes, fill in box I)	
<u>Supply of alcohol</u> (if ticking yes, fill in box J)	✓

In all cases complete boxes K, L and M

Appendix 2

A

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

B

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

Appendix 2

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
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 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoor s	
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
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 6)		
Sat					
Sun					

Appendix 2

E

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

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	12:00	22:30	<u>Please give further details here</u> (please read guidance note 4)	Both	
Tue	12:00	22:30		Low background music – unamplified	
Wed	12:00	22:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	12:00	22:30		None	
Fri	12:00	22:30	<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 6)		
Sat	12:00	22:30			
Sun	12:00	22:00		None	

Appendix 2

G

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

H

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

Appendix 2

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	✓
Day	Start	Finish		Off the premises	
Mon	12:00	22:30		State any seasonal variations for the supply of alcohol (please read guidance note 5)	
Tue	12:00	22:30			
Wed	12:00	22:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur	12:00	22:30			
Fri	12:00	22:30			
Sat	12:00	22:30			
Sun	12:00	22:30			

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State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	Anna Witham
Date of birth	18.11.1985
Address	10 Festival Close, Kiveton Park , Sheffield
Postcode	S26 5LY
Personal licence number (if known)	RM3847
Issuing licensing authority (if known)	Rotherham Metropolitan Borough Council

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	12:00	23:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	12:00	23:00	
Wed	12:00	23:00	
Thur	12:00	23:00	
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	23:00	

Appendix 2

M

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

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

There will be a Personal Licence Holder on the premises at all times.

A Designated Premises Supervisor will be nominated and will regularly attend local Pub-watch meetings.

There will be a sufficient number of staff on the premises at all times.

All staff will receive training on induction and yearly, on, 'Challenge 25', types of acceptable ID, method of recording refusals, refusing sales of alcohol to persons who appear to be drunk, preventing proxy sales, incident recording and when to call the Police, operation of the "ask Angela Scheme" and how to review the CCTV system if requested.

Staff training will be recorded and available to view as/when requested by Police/Licensing Authority.

A record of each member of staff who is authorised to sell alcohol shall be kept on the premises. This record shall include the staff members full name, address, and date of birth.

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

b) The prevention of crime and disorder

High quality CCTV is fitted covering the whole internal and exterior of the premises, showing accurate dates/times, fully maintained and recordings kept for a minimum of 31 days and available if required for viewing by the Police and/or Licensing Authority.

Challenge 25 in place:

- All staff trained to request photographic identification to control the sale of alcohol to anyone under the age of 18 years old with challenge 25 in place.
- Clear Challenge 25 signs.
- A book logging all refusals made under the challenge 25 policy to include the date of refusal, member/s of staff that made the refusal and if whether a fake ID was used/seized.
- The Challenge 25 log and the incident book shall be kept on the premises and will be available for inspection if/when requested by the Police or Licensing Authority. The DPS or nominated deputy shall check sign and date this weekly.
- The operation of the 'Ask Angela' scheme is in place.
- A zero drug tolerance policy will be in operation at the premises, including regular checks carried out and recorded by management to prevent the use of drugs by customers. A copy of the premises drugs policy, and all associated records kept at the premises and made available to the Police or an authorised officer of the Licensing Authority upon request.

Regular glass collection in place, taxi booking service provided. An incident book will be maintained and available, recording any and all incidents of crime/disorder at the premises along with if/when police are called.

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c) Public safety

The following measures are in place to protect public safety:

- Employers & public liability insurance.
- Annual gas safety check.
- Annual electrical check, PAT testing safety checks.
- Up to date health & safety policy & risk assessments. asbestos survey of premises.
- Sufficient lighting internally & externally.
- Regular fire checks & servicing of fire detection & extinguishing equipment including 5 extinguishers located throughout the building.
- Staff trained in emergency procedures.
- Designated external smoking area.
- Good housekeeping procedures enforced.
- Security staff

d) The prevention of public nuisance

- Doors & windows kept closed.
- There will be no outside entertainment
- Noise restrictive speakers positioned away from external walls.
- Signage is in place asking people to arrive and leave quietly
- Regular sound checks to the inside & outside of the premises

e) The protection of children from harm

- No children permitted upstairs in the bar area
- Children must be accompanied by a responsible adult at all times.
- Children are not permitted in the outside smoking area at any time.

Checklist:

Please tick to indicate agreement

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


Appendix 2

It is an offence, under Section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under Section 24b of the Immigration Act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the Immigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	14.01.2025
Capacity	Applicant

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

Signature	
Date	
Capacity	

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

Appendix 2

Ground floor



First floor



Appendix 2

Ground Floor

First Floor



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Appendix 3

Representations from Other Persons

Ward Councillor 1

From: Cllr Marnie Havard <Marnie.Havard@rotherham.gov.uk>

Sent: 26 February 2025 16:01

Subject: Re: Representation not Relevant - Application for the Grant of a Premises Licence - Fuzion Bitez, 62 Wales Road, Kiveton Park, Sheffield S26 6RD

I am writing to formally submit my objection to the application for the grant of a premises licence for Fuzion Bitez at 62 Wales Road, Kiveton Park. My concerns primarily relate to the licensing objective of public safety, particularly regarding the potential impact on local residents and children in the area.

The proposed establishment may attract a significant number of patrons, which could lead to increased foot traffic and activities in the vicinity. This influx may pose safety risks for residents, especially children, who may be playing or walking in the area. The potential for increased noise levels, late-night disturbances, and possible anti-social behaviour could create an environment that is not conducive to the safety and well-being of families living nearby.

Moreover, with the proximity of the establishment to residential properties, there is a heightened concern about the safety of children who may be exposed to an environment that could include late-night gatherings, intoxicated individuals, and other related issues. Ensuring the safety of our community's children must be a priority, and I fear that granting this licence will compromise that.

I urge the council to consider these public safety concerns seriously and to take appropriate measures to ensure that the well-being of residents and children is protected.

Cllr Marnie Havard

Ward Councillor 2

From: Cllr Dominic Beck <Dominic.Beck@rotherham.gov.uk>

Sent: 27 February 2025 13:09

Subject: Re: Representation not Relevant - Application for the Grant of a Premises Licence - Fuzion Bitez, 62 Wales Road, Kiveton Park, Sheffield S26 6RD

My concerns are primarily centred around the objective of public safety, particularly its implications for local residents and children.

The establishment is likely to draw a considerable number of visitors, leading to increased pedestrian traffic and activities in the neighbourhood. This situation raises safety concerns for residents, especially for children who may be out playing or walking in the area. The potential rise in noise levels, late-night disturbances, and possible anti-social behaviour could create an unsafe environment for families living in close proximity.

Additionally, given the establishment's location near residential areas, I am particularly worried about the safety of children who might be exposed to an atmosphere that could include late-

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night crowds and intoxicated patrons. It is essential to prioritize the safety of our community's children, and I believe that granting this licence could jeopardize that safety.

Cllr. Dominic Beck
Rotherham Metropolitan Borough Council
Representing Harthill, Kiveton Park and Wales

Other Person One

Sent: 14 February 2025 07:08
To: Licensing <Licensing@rotherham.gov.uk>
Subject: Fuzion Bitez, Kiveton Park, Sheffield

Good morning

I would like to register my concerns over an application for a Music & Alcohol Licence in my neighbourhood.

The application is in regard to Fuzion Bitez, 62 Wales Road, Kiveton Park, Sheffield S26 6RD.

This is a fairly new takeaway which is wanting to venture into a restaurant & drinking establishment. I am concerned as this is on a main road but is located within residential area, there are a number of households where families & older people live.

The parking around this area is already bad & now the side road (which is for residents only), is very busy with Delivery Drivers & staff. They are parking very unsafely, double parking on the main road on double yellow lines, overhanging the junction so cars are having to edge out onto the main road to see if it is safe to pull out. All this is before they get a music & alcohol licence. I feel that if they are granted these licenses the traffic, & parking will be much worse, residents are finding it difficult to park already.

With the music licence we will be able to hear everything in the surrounding properties, as I mentioned earlier it is residential, so people have to go to work & do not want disturbances once they come home. I can't help but wonder that the noise will be unbearable, we will be unable to sit in our gardens for the noise in the summer. With regard to the alcohol licence I feel this is not the area for this sort of premises. We do not need drunken people spilling out into the area causing a public nuisance to the surrounding area along with litter & the unsociable element as well.

I hope you will consider my objections carefully. Would you want to live with this on your doorstep ?.

Given that these premises are only operating as a takeaway at the moment, it is already having an impact on the local residents & my concern is this will only escalate the problems we are already experiencing.

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Other Person Two

Sent: 21 February 2025 12:26

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

Subject: FUZION bites

Hello i am writing in today to oppose the licence applications for fuzion bitez resturant on wales road in kiveton park.

The noise currently is loud enough. With general voices and then the music/bass and then the tvs that they use, its currently at a level i think is enough. I have also had to ask politely for the music/bass to be turned doesn or off due to how loud or late it is.

I dont see why a restaurant needs music to be playing all day long. If the place would have been soundproofed as discussed with the new owner beforehand, maybe it wudnt be so bad but as the building is very old and walls very thin i do not think its necessary. Also the staff stay in the building till past 10.30pm and sometimes its been until the early hours at 1am. I just wish for a peaceful home like everyone else.

With regards to the drink/liquor licence i also dont see why this is needed in a family restaurant. The available space in the building that the new owner showed me could be space for a bar, i then informed him my bed/headboard is on other side of that wall. As i wake up for work at 4.30am (and sometimes at weekends too) i would not appreciate the noise that comes with people drinking and music everyday.

So i am against both of these applications but wish him all the best with his restaurant buisness.

Other Person Three

Sent: 23 February 2025 12:08

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

Subject: Fwd: Licence Application Fuzion Bitez

I am writing to you to register my concerns and objections relating to an application for a Music and Alcohol License for an establishment within my neighbourhood.

The application has been submitted by Fuzion Bytez 62 Wales Road, Kiveton Park, Sheffield S26 6RD. A Planning Application notice was displayed in the window of the premises but cannot be seen as the shutters to the premises are mostly closed,

Fuzion Bitez is currently a relatively new fast food takeaway within the neighbourhood and the application has been submitted to obtain a licence for Music and Alcohol to allow the business to venture into a restaurant and dinking establishment.

The premises is situated on a very busy main road and is located within a built up residential area, the properties are occupied by families and mostly an elderly community.

Appendix 3

At present the local parking situation on one side of the road is allocated for residents only (clearly signposted) Since Fuzion Bitez have been occupants of their property the parking situation has become unbearable, every day delivery vans and staff cars take up the allocated parking area, regularly parking unsafely ie: overhanging the junction causing difficult visibility of oncoming traffic along the main road. They regularly double park on double yellow lines near a roundabout again making visibility difficult. This problem is causing great concerns within the local community and if these licences are granted the situation would get worse causing greater disruption locally.

As a resident of this area my concerns are, if these licences are granted the neighbourhood will experience loud music playing from 12 noon - 10.30pm (as stated on the application) Many residents work and they do not want any disturbances when they have to get up early for work nor when they get home! Through past experiences I know the noise will become unbearable, residents will be unable to sit in their gardens during the Summer due to noise.

In relation to the Alcohol licence application I do not think the area is right for this type of establishment, the application is to serve Alcohol from 12 noon - 10.30 pm. We do not want to experience inebriated people leaving the premises and causing anti social behaviour, a public nuisance and littering our streets, possibly making the vicinity unsafe for local residents.

At present there are five fast food and one licensed establishments within 50 yards of each other, we do not need another alcohol licensed premises on our doorstep.

As Fuzion Bitez are already operating as a fast food takeaway it is already having an impact on the local residents and if a license is granted it will escalate the problems we are currently experiencing.

This is causing me added Anxiety and Depression, an illness that I am being treated for by my local GP. Since learning of the application of these licence applications my illness has worsened making it difficult for me to leave the house and if these licences are granted I will eventually be a prisoner in my own home!

I do hope you will consider my valid concerns and objections carefully?

I would appreciate your confidentiality regarding my personal details as I fear any reprisals again adding to my already deteriorating illness of Anxiety and Depression.

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Other Person Four

Sent: 23 February 2025 13:56

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

Subject: Re: Objections

Reference alcohol/ music licence for fuzion bitez 62 wales road.

As there has already been a big impact on parking and access to our own homes due to the restaurant. We don't feel we should have any more disruption with rowdy drinkers and loud music to the homes near by, there's already enough disruption when they light the BBQ in the backyard and smoke fills our houses during day time.

They already block access to our own drives and garages with their delivery drivers and own staff. There is a mix of elderly people and young families very close to the business, we all work and don't want the disturbance of not being able to sleep or been woke up due music or people just been loud when they have had a drink.

They already don't listen when we ask them to move their cars when they are blocking access to the private back lane, belonging to residents or our own drives and garages so they aren't going to listen if we complain about loud music or rowdy drinkers.

Please take into consideration that these are our homes and we don't want any more disruption.

Other Person Five

We have been informed that Fuzion Bites 62 Wales road Kiveton Park Sheffield s266rd have applied for serving alcohol and a music license and how this will have a major impact on neighbours in the area.

We as neighbours in the local area are already struggling to gain access to our homes. Delivery drivers and attending customers are constantly blocking the road that leads to the rear of our homes. Both the access road and back road are privately owned to all residents. We have on number of occasions asked that this stops but we are met by hostile workers, Owners and drivers for the establishment.

IF this license was granted for selling alcohol and playing music it will have a major impact on all our lives, livelihood's general wellbeing and potentially safe guarding concerns due to age of a number of the residents who live in the vicinity of area.

I am writing this enquiry due to concerns raised by neighbours in this area of Wales road. If required we will draw up a petition to stop this application been granted.

Appendix 3

We are also asking that double yellow lines are put in place due to ongoing difficulties gaining access road due to now not been able to gain access the to rear of our homes. This would also have a massive impact on any emergency services to gain access to the back of houses as the access road is constantly blocked or obstructed to the point that we are driving at dangerous angles to get into the access road. The main road on Wales Road as double yellow lines so this is the only access we to our homes.

Any visitors that would come to our homes after 17.00pm find it very difficult to gain access due to the volume of cars and people who are using Fuzion Bites. Even though there are current signs visible in place stating residents parking only these are completely ignored and we also have other signs displayed saying fines and penalties and clamping could be imposed yet again ignored by all who visits.

They are also requesting that the music and sales of alcohol is obtainable from 12.00noon to 22.30pm daily. We are very concerned that we have a number of schools in the area and this could be an attraction to younger people in our community, We regard this as a safe guarding issues and could potentially cause further anti social behaviour which is on the rise already within Kiveton and Wales and community.

Can these comments please be taken into account on the applications made by named person Anna Whittam on behalf of Fuzion bites 62 Wales Road Kiveton Park Sheffield s266rd and the affects we have highlighted and shown major concerns with the application. We will wait on responses and will share this with all neighbours concerned.

Petition

Signed by 24 Local residents.

PETITION: From Residents and ~~Business~~ on
Wales Road, Kiveton Park, Sheffield
Re: Objecting to application from:
Fuzion Bitez, 62 Wales Road, Kiveton Park Sheffield S26 6RD
Applicant: Anna Witham.
• Sale of alcohol for the consumption on the premises, every
day of the week between 12.00 (12 noon) and 22.30 (10.30pm)
• Provision of recorded music, inside the premises every day
of the week between 12.00 (12 noon) and 22.30 (10.30pm)

Name	Signature
------	-----------

Appendix 4

To: All parties that have made representations

Re: Application for alcohol license by Anna Witham on behalf of Fuzion Bitez, 62 Wales Road, Kiveton Park, Sheffield, S26 6RD

As a family we opened Fuzion Bitez in October 2024, initially as a Takeaway, whilst we completed renovating the property. We have invested a massive amount of time and money into restoring and bringing up to date a very old building which was quite literally falling down around us. On completion of the renovations, we opened as a restaurant in January 2025 with a takeaway & delivery option. The majority of our customer base are older adults and families. After a recent inspection were granted a 5 Star food hygiene rating. I have included photographs for you to see the work we have done and how the restaurant looks now. We have widened door ways to create wheelchair and pushchair access and created a disabled and child friendly toilet with the appropriate facilities.

We have received some amazing support from the vocal and surrounding villagers, our feedback has been 98% Five Star on our food, quality and service. Those customers we have asked for their opinion have all been in support of the granting of an alcohol license.

I am sure that all local residents would agree that parking has always been an issue in this particular area of the village. The Kiveton Tap, Pejis & Golden Grill are directly opposite, and their customers and drivers do park on the side street. Parking on the side street on a Monday and Tuesday when our restaurant is closed is very similar in terms of parking and traffic, therefore it does seem unfair that we are solely blamed for parking issues. However, we want to cause as little disruption as possible and having read the concerns listed within the representations we are taking positive steps to ensure our business is not adding to the parking problem. The manager will no longer park their car in their designated parking place, instead this will be reserved for the delivery driver on shift and any other delivery drivers have been firmly asked to avoid parking on the side street at any time. In addition, at no point will delivery drivers leave their vehicles running or with music playing whilst waiting for orders, they will now wait inside the premises with their engines off. We have also conducted a customer survey, and the majority of our customers are local residents and tend to walk to the premises.

Should an alcohol licence be granted I would suggest that even fewer people would drive to the restaurant if they are local and intend to have an alcoholic drink with their meal.

In regard to representations against the actual granting of a license to sell alcohol as their main concern, I feel that the ability to sell the alcohol that is consumed on the premises as opposed to customers bringing their own with them would allow us to better control alcohol consumption and serve this in a responsible manner.

Appendix 4

I am surprised by Councillor Beck & Councillor Havard's concerns regarding the protection of children from harm, considering that our own Village Hall where children are generally always present, attending parties and dance classes etc, within a stone's throw of a children's playground, skate park, tennis and basketball courts, houses a pub. I therefore cannot see how my restaurant's application to sell alcohol would be considered of a higher risk. In addition, The Kiveton Tap, directly opposite my restaurant, has been granted an application to sell alcohol and as a pub has the sole purpose of selling alcohol. We are not a pub nor a bar, we are a restaurant, people drinking alcohol would be doing so whilst enjoying a meal, they wouldn't be visiting our establishment with the sole purpose of drinking as they would do a pub/bar.

We take the protection of children seriously and there will be no children under the age of 18 years old allowed without a supervising adult present and a challenge 21 in place. All of our staff are trained in challenge 21 and CCTV covers the entire building and surrounding areas.

We have three children ourselves, ages 13y, 10y and 1y and have spent my entire career working with at risk children and therefore am fully trained in safeguarding and child protection, therefore recognising my responsibilities in regard to safeguarding children is second nature.

We will continue to operate as a restaurant regardless of if the premises is granted a licence to sell alcohol meaning that I a denial would simply create an increase in encourage customers bringing their own alcohol, which as stated we mean that we would be in a weaker position to monitor or control responsible drinking.

Regarding issues raised around noise, whilst renovating the building we paid to have an independent noise assessment carried out, this was done at differing times of the day and evening, both inside and around the outside of the premises, with all equipment running and concluded that the premises was not emanating excessive noise or noise that would be considered a nuisance, I am happy to provide a copy of this at request. That said, the last thing we want is for our neighbours to be unhappy, so have made some changes and made positive steps to reduce noise levels. As we understand it, the layout of the flat upstairs means that the residential living room/bedroom are directly above our kitchen and food prep area, we will therefore instruct our Chefs and kitchen staff not to play any music within that area.

In regards to music, this will only be played in the restaurant as background music, low enough for people to obviously talk easily whilst enjoying their meal – we are not a late night music venue, music will purely be used as low level background music, however we will ensure that all speakers are inwardly faced and will also remove any and all speakers

Appendix 4

that are attached to the party wall in the hope that this will alleviate the problem. We are happy to work with the tenant of the flat to come to an agreement that satisfies both parties. No other residents should be affected by this as it's not possible to hear this from outside of the premises.

In conclusion, we are local residents operating a restaurant for local people and will continue to operate as such, we are simply requesting a license to sell alcohol as an option to our customers. I hope that I have covered all concerns raised and that the information given here, and the steps suggested to alleviate concerns is helpful and offers some reassurance. I therefore hope that residents will consider withdrawing their representations and offer their support in our local business in these already difficult times.

Regards
Anna Witham

I have attached some photographs to show the inside of the premises, the food we have on offer.

Appendix 4



Appendix 4



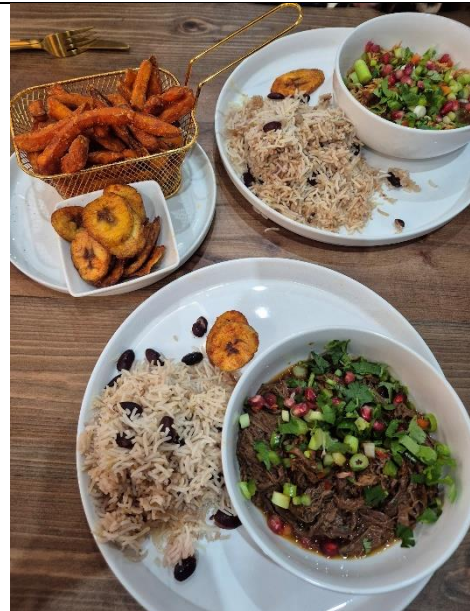
Appendix 4



Appendix 4



Appendix 4



Representation Received 25.03.25

Hello, i have read miss witams reply in response to our emails. I have a few concerns about what has been said by her.

I do agree that the renovations they have made to the building have made their part look much better it cannot be denied. But soundproofing was mentioned by me at this time to which they chose to not do. This had been mentioned more than once.

Secondly parking is an issue, massively, but she mentions the managers car and a designated parking space???. Ive lived in this flat for 9 years and have no designated parking spot, as there arent any. The same goes for the rest of the residents.

The managers car is parked on the side street most days (albeit not all day) but yes most days even when the restaurant isnt open.

I have spoken to a local councillor about this situation previously as a sign states 'parking and access for residents only' but he says as there are commercial properties along the main road he cannot say customers cannot park on the side streets. But the parking situation is terrible and cars seem to be parking where they want restricting views of oncoming traffic and restricting access for emergency vehicles if they were needed. Also creating issues for the homeowners at the side of us. I can provide pictures if needed. There is currently a single yellow line that most drivers seem to ignore. Maybe it needs to be changed to double yellows to stop this from happening???

In response to being able to better control alcohol in their premises, is it not the owners discretion to remove any customers from their restaurant if they deem them to be causing trouble/acting in an unsociable manner?? Im sure if this was the case they would ask said customers to leave quietly and politely. Or am i wrong???

I read that miss witham has a great understanding of safeguarding and children, but as a busy mum of three i have been led to believe she doesnt have much to do with the day to day running of the establishment, its her partner that does.

As to the flat layout upstairs i can infact tell you that my living/kitchen/bathroom space is directly above their kitchen space and my bedroom is above the other small cafe downstairs. I do hear noise from the small cafe but as it shuts at 12/1pm most days this is very slight. If the cafe is full of women chatting at a normal level, i can hear mumblings of conversation, but put a group of men in the cafe and their deeper voices carry much more and i can hear them much more clearly. The deep base of voices/music carries through the thin old walls.

So in regards to miss withams comments of the 'building falling down around them' they have not rebuilt my walls or floors. So this is why i can hear everything very, very clearly. Again, if the building was soundproofed this noise would be minimal and i would have no complaints. However they have speakers on the ceiling and tvs on the walls (both can be seen in the images that she has provided) that i hear very clearly when i am in my bedroom.

Sometimes i can hear the songs/music playing word for word. The music played in the kitchen area also carries.

The space next to my bedroom wall is a very large open space and i believe to be unused currently, so again in regards to this being an old building, sound travels and echoes.!! Also the managers office is upstairs, so i hear all the noise. Ive even had the scraping/moving of furniture at 1am in the morning, which woke me abruptly, this has happened previously. I have to be up before 5am for work, my sleep is also being effected by this.

They said that they were willing to work with me (ie the tenant upstairs) to come to some sort of compromise to which a meeting was arranged by our landlords and us.

In this meeting was myself, miss witham her partner and our two landlords to which a discussion began. I started to make my issues known to them and was met with no eye contact and a distracted demeanour from the manager which made me feel like i wasnt being taken seriously, this lead to miss witham saying my observations were incorrect/lies.

The conversation then went on to me not coming into the restaurant to make my concerns known, to which i said i find it uncomfortable and intimidating. This is my own personal issue as i struggle with anxiety and depression. I have lived alone for the past 9 years, and i find certain situations difficult and confronting. This is because of past relationships with a partner who hurt me mentally and physically. Hence why i find talking to people about awkward situations very daunting.

To this, miss witham took the opportunity to ask if i find her partner intimidating, i said yes, at times to which she decided to say 'its because he is a black man' Insinuating that i am racist.

To being called a liar and then a racist, the meeting came to an abrupt halt as i wasnt willing to continue after being called such disgusting names. Because of this i believe they are not willing to 'work with me in this situation' and i now feel like im alone with no help.

Ive spent a lot of years, and time in therapy to build and create ways of keeping my mental health the best it can be and trying to remain strong in my day to day life, but since this new restaurant has opened my health and wellbeing has taken a decline.

I am now back seeing my doctor and am now back on medication. I am absolutely heartbroken that i have fallen so far back in my health and recovery, but i feel this current situation is detrimental to my health and wellbeing. I am at a loss as to who to turn to for help and feel like i cannot gain the peace, quiet and calm life back that i once had.

Any advice or help is welcomed sincerely.



Additional information received from "other person four" on 25th March 2025

Sorry cannot make it today but I do have a few points.

fuzion bites is apparently having a beer garden in the back yard with cooking on the barbecue if this is the case could it be noted our wall is adjoined to fuzion bites and sitting out on our garden and opening our windows will be impossible in the summer listening to drunks and everything smelling of smoke.

fuzion bites mention the village hall but that is in it's own car park with the park adjoined why should we work hard not to be able to have these little rights after an hard day all three of us work hard and the noise when we have to get up in the mornings is not far if the licence goes through.

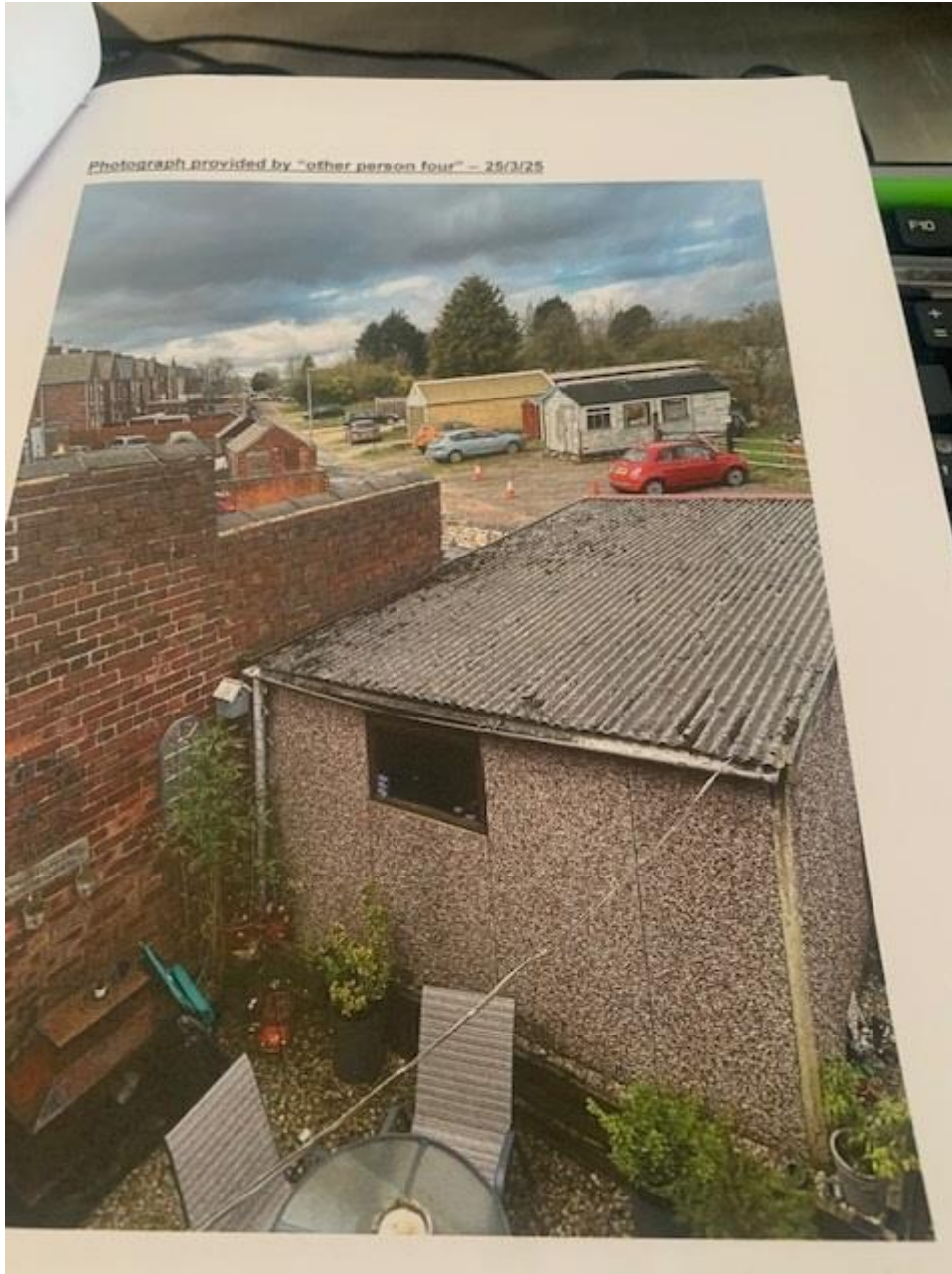
Most of the residents are in there 70s and don't need this stress.

We as a family now don't feel comfortable in our own homes that we have worked extremely hard for and will be working even harder in today's economy to keep going.

Please bare these points in mind when trying to decide nobody would like it next to them so why should we.

Thanking you for taking the time to read my email.

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