

LICENSING SUB-COMMITTEE
15th October, 2018

Present:- Councillor Ellis (in the Chair); Councillors Beaumont and Fenwick-Green.

3. LICENSING ACT 2003 - VARIATION OF A PREMISES LICENCE - RERESBY ARMS, VALE ROAD, THRYBERGH

Consideration was given to an application for the variation of a Premises Licence, under the provisions of the Licensing Act 2003, in respect of the premises known as the Reresby Arms public house, Vale Road, Thrybergh Rotherham.

The Licensing Authority received representations which were not withdrawn and the Sub-Committee considered those representations.

The application sought to vary the premises licence as follows:-

(i) to amend the Licensing plan in accordance with the submitted drawing number 7214-03 dated 23 July 2018; and

(ii) to amend the Licensing hours for live and recorded music until midnight Sunday to Thursday and until 01:00 hours Friday and Saturday and at Bank Holidays.

The applicant company was Star Pubs and Bars and the solicitor representing the company at this hearing explained that the premises had recently been closed and that the company was now embarking upon an extensive internal and external refurbishment of the whole building, prior to its re-opening. The intention was that the premises' licence would be in the name of the Stars and Bars company (instead of a tenant landlord) and that an Area Manager of the company would have regular oversight of the management of the premises and the role of the tenant landlord. Design drawings of the appearance of the refurbished premises were displayed during the hearing.

Acknowledging the location within a mainly residential area, the company's overall intention was to operate these premises as a community public house. Members noted that the Local Authority was separately being asked to approve the registration of these premises as an asset of community value, in accordance with the provisions of the Localism Act 2011.

The representative of the applicant company confirmed that the applicant would accept the suggested additional conditions of licence relating to the Challenge 21 (proof of age) scheme, the maintenance of a refusals log and regular staff training. Other conditions of licence, discussed at the hearing, were about the closing of the premises doors and windows and about the disposal of refuse at reasonable hours, both of which were also

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acceptable to the applicant company. The applicant's representative spoke about the company's specific policy entitled 'Just Add Talent', which included extensive staff training provisions.

A written representation from the Borough Council's Environmental Health Service proposed that the amendment of the Licensing hours for live and recorded music should be until 23:00 hours Sunday to Thursday and until 00:00 hours (ie: midnight) Friday and Saturday and at Bank Holidays. The Sub-Committee acknowledged that, because of an amendment to the Licensing Act 2003, live and recorded music was permitted until 23:00 hours without the need for a premises' licence.

The written representation from the two local residents (who did not attend the hearing) referred to their concerns about noise generated from the premises, both from music and also customers leaving the vicinity of the premises late at night. The residents stated that although they were in favour of the intended family-orientated nature of the premises, they nevertheless did have concerns about the possibility of noisy and rowdy behaviour from some customers of the premises late at night.

A written representation from the Borough Council's Environmental health Service had also mentioned the receipt of complaints referring to noise from the premises and rubbish within the rear yard of the premises. However, as no specific details of these complaints were provided, the Sub-Committee was unable to consider them.

In conclusion, the Sub-Committee took due note of all of the written and oral representations made and also of the fact that there had been no representations made by the South Yorkshire Police in respect of this application.

The Sub-Committee considered that the measures to be put in place by the applicant company to ensure the prevention of public nuisance, noise nuisance and to ensure that the premises were operated satisfactorily were sufficient and noted that the company would accept specific additional conditions of licence, as discussed at this hearing.

The Sub-Committee considered the application for the variation of this premises licence and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of public nuisance;
- Public safety.

Resolved:- That the application for the variation of the premises licence in respect of the premises known as the Reresby Arms public house, Vale Road, Thrybergh, be approved and the licence variation granted as follows:-

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- (a) the amendment of the Licensing plan (per the submitted drawing number 7214-03 dated 23 July 2018) be approved;
- (b) there shall be no permitted Licensing hours beyond 23:00 hours for live and recorded music from Sunday to Thursday and on the evening of Bank Holiday Monday;
- (c) the permitted Licensing hours for live and recorded music shall be until 01:00 hours on Friday and Saturday and at Bank Holidays (Sunday evenings only), Christmas Eve, Boxing Day, 27th December, 28th December and 2nd January and from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day;
- (d) the premises' licence shall include the additional conditions, now reported, relating to the Challenge 21 age policy, the maintenance of a refusals log and staff training;
- (e) an additional condition be attached to the premises' licence requiring that the doors and the windows of the premises shall remain closed (except for access and egress) after 23:00 hours;
- (f) an additional condition be attached to the premises' licence prohibiting the disposal/collection of refuse from the rear yard and other exterior areas of the premises between 23:00 hours and 07:00 hours on any day.