

LICENSING SUB-COMMITTEE
1st April, 2019

Present:- Councillor Beaumont (in the Chair); The Mayor (Councillor Buckley and Vjestica).

3. LICENSING ACT 2003 - VARIATION OF PREMISES LICENCE - THREE HORSESHOES, WICKERSLEY

At the commencement of the meeting, it was clarified that Councillor Ellis, although Chair of the Licensing Committee, was in attendance and objecting to the application in the capacity of a Parish and Ward Councillor.

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 Three Horseshoes Public House, 133 Wickersley Road, Wickersley, Rotherham.

The Licensing Authority received representations which were not withdrawn and the Sub-Committee considered those representations.

No objections had been received by South Yorkshire Police or the Authority's Environmental Health Officer.

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

(i) to extend the sale of alcohol and regulated entertainment (excluding films) to commence at 07.00 hours, seven days a week

(ii) to remove reference to facilities for making music and facilities for dancing as these were no longer licensable activities

(iii) additional non-standard timings for notable days

(iv) to add conditions to the licence and remove condition following consultation with the Police Licensing and Environmental Health Officer as detailed in the application submitted to the Licensing Authority

(v) to vary the layout of the premises in accordance with plans (Drawing Number AM 01 Rev C) such variation to the plans to have effect upon the completion of the works as notified to the Licensing Authority in writing. Alterations included:-

- To show location of new fixed seating throughout premises, removal of partition and relocation of screen to right of entrance
- To show beer garden already in situ in previous rear car park area and to license a proposed external bar servery to permit sale of alcohol

- No change to first floor

The applicant company was Stonegate Pub Company Ltd. The solicitor representing the company at the hearing explained the rationale for the above proposed variations:-

(i) commencement of the sale of alcohol at 7.00 a.m. Currently the premises opened at 10.00 a.m. for the sale of breakfast whilst other establishments in the area opened earlier. It would also allow for one-off situations such as race days and gave the flexibility of opening earlier as and when required rather than applying for a special licence when the need arose. The Company had a series of Responsible Drinking Policies and the public house would have 3 Personal Licence Holders employed on the premises all of whom were trained in the licensing objectives

(ii) removal of entertainment facilities – since the inception of the 2012 Licensing Act, entertainment facilities for making music were no longer required to be licensed

(iii) to retain the existing non-standard timings for notable days i.e. Bank Holidays but also include an additional hour into the morning on St. George's Day, St. David's Day, St. Patrick's Day, St. Andrew's Day, Burns Night, Valentine's Night, Halloween, all Bank Holidays, Maundy Thursday, Christmas Day, 29th and 30th December and Bonfire night

(iv) as stated above

(v) layout of the premises

- it was proposed that there be some new fixed seating within the premises and moving around of screens
- it was also proposed that an external bar be erected in the beer garden for the sale of alcohol until 11.00 p.m.
- there was an existing condition relating to the first floor function room stating doors and windows be closed when there was regular entertainment. It now only related to live and recorded music

The points raised in the written representation from a local resident, in attendance at the hearing, were addressed by the Company's legal adviser.

It was stated that when Stonegate made an application, as a matter of policy, they pre-consulted with the main authorities i.e. Licensing, Police and Environment Health. No particular issues had been raised that had prevented the application being submitted. There had been a number of issues raised which related to the previous licence holder and the holding of live music events during the previous summer although from discussions held with Environmental Health it had become clear that some of the discussions had been on an informal basis.

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It was not the intention to hold music events in the future. It was now known that there had been issues not reported to senior management and Stonegate did not want to jeopardise relationships with the neighbours in close proximity to the premises acknowledging the location of the premises was within a mainly residential area. The Company's overall intention was to operate the premises as a community public house.

Currently patrons of the premises could drink in the rear garden until 1.00 a.m. unsupervised. If granted, the external bar would have at least one person serving the drinks with another collecting glasses/monitoring the area and, therefore, the beer garden supervised at all times.

The current Premises Licence Holder had been in post at the premises since January, 2019. He had attended Pub Watch meetings where problems experienced by other public houses were discussed; these were not those experienced at the Three Horseshoes.

In recognition of its proximity to residential properties, the new Premises Licence Holder had instructed staff not to empty any of the bottle bins until after 8.00 a.m.

Two members of Wickersley Parish Council, Councillor Ellis and Mrs. Godfrey, together with a member of the public, presented their objections to the proposals.

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 South Yorkshire Police and Environmental Health 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 crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

Resolved:- That the application for the variation of the premises licence in respect of the premises known as the Three Horseshoes, 133 Bawtry Road, Wickersley, be approved and the licence variation granted as follows:-

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- (a) the opening hours of the premises be extended to 08.00 hours, seven days a week, with no sale/purchase of alcohol until 09.00 hours;
- (b) the reference to facilities for making music and facilities for dancing be removed as they were no longer licensable activities;
- (c) the additional non-standard timings for notable days as set out in the application submitted;
- (d) the external bar servery be permitted for the sale of alcohol from 09.00 hours to 22.00 hours;
- (e) to add conditions to the licence and remove the condition following consultation with the Police Licensing and Environmental Health Officer as detailed in the application submitted to the Licensing Authority;
- (f) that the emptying of bottle bins be carried out during the hours of 09.00 to 21.00;
- (g) that any drinks to be consumed in the beer garden should be in polycarbonate drinking vessels with the appropriate signage reinforcing this requirement;
- (h) that the doors and windows be closed on the first floor where events involved amplified live or recorded music;
- (j) that signage be fixed onto the rear gate indicating that it was a fire exit only and that liaison take place with the Fire Service with regard to a closing mechanism on the rear gate to ensure usage for that purpose only.