

**LICENSING SUB-COMMITTEE
30th January, 2020**

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

7. APPLICATION (MADE IN ACCORDANCE WITH SECTION 34 OF THE LICENSING ACT 2003) TO VARY THE PREMISES LICENCE IN PLACE AT THE WAVERLEY, NEW BRINSWORTH ROAD, CATCLIFFE, ROTHERHAM

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 identified as The Waverley, New Brinsworth Road, Catcliffe, Rotherham.

The Chair sought clarification and was assured that consultation on this application was in accordance with the Licensing Act 2003 and all requirements fully complied with.

In accordance with the procedure the Licensing Officer presented the report which set out the application seeking a variation to the premises licence as follows:-

- To amend the times during which licensable activity was permitted.

The licence currently permitted the following activities from 1100 hours until 0000 hours Sunday to Thursday, 1100 hours until 0100 hours on Friday and 1100 hours until 0200 hours on Saturday for:-

- Retail sale of alcohol (for consumption on and off the premises)
- Performance of live music (indoors)
- Playing of recorded music (indoors)
- Performance of dance (indoors)

The applicant was seeking to amend these times so that the above licensable activities could commence at 0800 hours, with the exception of the retail sale of alcohol which would commence at 0900 hours.

Terminal hours to remain the same except for:-

- Christmas Eve and New Year's Eve (when the terminal hour will be 0200 hours).
- Bank Holidays (when the terminal hour will be 0100 hours)

- The addition of late night refreshment to the licence.

The current licence did not permit the provision of late night refreshment.

The applicant was seeking to add late night refreshment to the licence so that this activity could take place during the times that the other licensable activities were undertaken.

- To amend the opening hours of the premises.

The current opening hours specified on the licence were from 1100 hours until 0030 hours Sunday to Thursday, 1100 hours until 0130 hours on Friday and 1100 hours until 0230 hours on Saturday.

The applicant was seeking to amend these times so that the premises opened at 0800 hours. Closing times remain unchanged with the exception of Christmas Eve and New Year's Eve (closing at 0230 hours) and Bank Holidays (closing at 0130 hours).

- Amend the periods during the year when live music took place outdoors.

The licence currently permitted live music to take place outdoors between 1st June and 1st September only – between the hours of 1100 hours and 2230 hours.

The applicant was seeking to amend this so that live music could take place outdoors between April and October.

Mr. A. Nocton, the Applicant, referred to the reasons for the variation and explained the rationale behind each of the varied requests.

No objections had been received by the statutory consultees or responsible authorities as part of this application to vary the licence.

The Licensing Authority (in its role as Responsible Authority) had received sixteen representations from local residents and one representation from a Ward Councillor.

The Sub-Committee gave full consideration to all these written representations which cited anti-social and unsocial behaviour, crime and disorder, traffic/parking concerns, noise/vibration from sound and environmental pollution and sought clarity where required.

Eight local residents attended the hearing and further outlined further their concerns citing noise (music) emanating through open doors and windows impacting on the amenity of local residents late at night, need for soundproofing, prevention of crime, public safety, live music outside, devaluation of properties, unauthorised camping and public nuisance, use

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of the play area by children at night and a lack of supervision and noise vibration.

The Sub-Committee considered the application for the variation of the 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.

In addition, the Sub-Committee took due note of all the oral and written representations made and also of the fact that there had been no representations made by the statutory consultees/responsible authorities in respect of this application.

The Sub-Committee was not required to take a decision regarding the variation in respect of the playing of live music and pre-recorded music outdoors due to the de-regulation of such activity by the Live Music Act 2012.

Resolved:- (1) That, in respect of The Waverley, New Brinsworth Road, Catcliffe, the variations in the application to the Premises Licence made by the applicant under the provisions of the Licensing Act 2003 be approved for the:-

(a) Amendment to the times during which licensable activity was permitted for the following activities from 0800 hours until 0000 hours Sunday to Thursday, 0800 hours until 0100 hours on Friday and 0800 hours until 0200 hours on Saturday for:-

- Retail sale of alcohol (for consumption on and off the premises)
- Performance of live music (indoors)
- Playing of recorded music (indoors)
- Performance of dance (indoors)

with the exception of the retail sale of alcohol which would commence at 0900 hours. Alcohol must only be consumed inside the premises between 0900 hours and 1100 hours.

Terminal hours to remain the same except for:-

- Christmas Eve and New Year's Eve (when the terminal hour will be 0200 hours).

(b) The provision of late night refreshments was permitted, but with the proviso that this must only be prepared and served inside the premises.

(c) Amendment to the opening hours of the premises from 0800 hours until 0030 hours Sunday to Thursday, 0800 hours until 0130 hours on Friday and 0800 hours until 0230 hours on Saturday with the exception of Christmas Eve and New Year's Eve (closing at 0230 hours).

(2) That the variations in the application to the Premises Licence made by the applicant under the provisions of the Licensing Act 2003 be refused for the:-

(a) Extension of the terminal hours in respect of Bank Holidays for licensable activities to 0100 hours.

(b) Closing time in respect of Bank Holidays to 0130 hours.