

**LICENSING SUB-COMMITTEE  
3rd March, 2020**

Present:- Councillor Ellis (in the Chair); Councillors Clark and Jones.

**8. LICENSING ACT 2003 - CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) TO REVIEW THE PREMISES LICENCE IN PLACE AT THE RUSTIC TAP, NORTH VIEW, MUGLET LANE, MALTBY, ROTHERHAM.**

Consideration was given to an application for the review of a Premises Licence in accordance with the provisions of Section 51 of the Licensing Act 2003, in respect of the premises known as The Rustic Tap, North View, Muglet Lane, Maltby, Rotherham.

Various attempts were made to contact the license holder, Nicola Bell, by telephone. She was not in attendance.

The Licensing Authority received representations made by South Yorkshire Police (as a responsible authority), which had not been withdrawn and the Sub-Committee considered those representations.

The premises had the benefit of a Premises Licence issued under the Licensing Act 2003 that was originally granted in 2005 when the premises were operating as an Indian Restaurant.

The current licence holder applied to transfer the licence into their name on 5<sup>th</sup> July, 2018. The licence permitted the sale of alcohol for consumption on or off the premises, but stated that “alcohol shall not be sold or supplied except to persons taking table meals at the premises and for consumption by such persons as ancillary to a meal”.

On 11<sup>th</sup> July 2018, the licence holder submitted an application to vary the licence to remove the requirement to sell alcohol only with a table meal. The application to vary the licence triggered a representation from the Licensing Authority and on 22<sup>nd</sup> August, 2018, the licence holder contacted the Council to confirm that they wished to withdraw their application and were “proceeding as a restaurant”.

On 12<sup>th</sup> December 2019, the Council received an application from South Yorkshire Police for a review of the licence. This application followed a test purchase by Police Officers who were able to purchase alcohol at the premises without also purchasing a table meal. The application outlined concerns regarding the sale of alcohol in breach of the license conditions.

The Sub-Committee heard the representations from South Yorkshire Police and their key issues around the history of these premises with a previous failure to comply with the requirements of the license, anti-social behaviour connected with the premises (of which South Yorkshire Police had no evidence) and operating in breach of planning consent.

Details of the test purchase, which led to the application for a review of the license, was provided and witness statements were included as part of the pack bundle. The license holder, Nicola Bell, had not been present. Various information currently available on social media were indicative of the premises running as a public house and selling alcohol rather than a restaurant.

South Yorkshire Police had not been made aware nor called to incidents of noise nuisance, fighting or urinating in the street that had involved the premises which were referred to in the Licensing Authority's representations.

The Licensing Authority had also received three representations from Rotherham MBC Licensing Team, Rotherham MBC Environmental Health and Rotherham MBC Food, Health and Safety Team.

The Sub-Committee made reference to the representations from the Licensing Authority and Environmental Health where it was evident the premises were being run as a vertical drinking bar without food resulting in this being in breach of planning consent. The chronology of concerns highlighted a lack of compliance.

The representation from the Food, Health and Safety Team also indicated the premises were operating without a valid food registration certificate.

The Sub-Committee considered the application for the review of the premises licence and the representations made specifically in 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, after due consideration of the application for review and to the representations submitted, the premises licence for the premises known as The Rustic Tap, North View, Muglet Lane, Maltby, Rotherham, be revoked with immediate effect.