

LICENSING SUB-COMMITTEE
22nd September, 2020

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

11. CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.17 OF THE LICENSING ACT 2003) FOR THE GRANT OF A PREMISES LICENCE FOR THE YORKSHIRE TERRIER, WHITEHILL ROAD, BRINSWORTH, ROTHERHAM, S60 5JQ.

The Sub-Committee considered an application for the grant of a premises licence, in accordance with Section 17 of the provisions of the Licensing Act 2003, in respect of the Yorkshire Terrier, Whitehill Road, Brinsworth, Rotherham. The premises was a public house that had previously been licensed by Rotherham MBC for the retail sale of alcohol and other licensable activities (licence number P0204). However, this licence was surrendered on 28th May, 2020, by the former licence holder, and since this time the premises had been operating under the authority of Temporary Event Notices. The applicant was seeking a licence to permit the provision of late-night refreshment, regulated entertainment and the retail sale of alcohol for consumption on and off the premises.

In accordance with the procedure, the Assistant Director, Community Safety and Street Scene, presented the report which set out the application seeking authority for the following licensable activities to take place at the premises:-

The applicant was seeking authority for the following licensable activities to take place at the premises:

- Provision of late-night refreshment (for consumption within and outside of the licensed area) between the hours of:
 - 2300 hours and 0030 hours Sunday to Thursday
 - 2300 hours and 0100 hours Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0200 hours
- If a large televised sporting event takes place outside any of these hours, depending on timings 1 hour before event and up to 1 hour after.

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- Retail sale of alcohol (for consumption on and off the premises) between the hours of:
 - 1000 hours and 0030 hours Sunday to Thursday
 - 1000 hours and 0100 hours Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0200 hours
 - If a large televised sporting event takes place outside any of these hours, depending on timings 1 hour before event and up to 1 hour after.
- Provision of Regulated Entertainment (Live and Recorded Music) between the hours of:
 - 1000 hours and 0000 hours Sunday to Thursday
 - 1000 hours and 0100 hours Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0200 hours
- If a large televised sporting event takes place outside any of these hours, depending on timings 1 hour before event and up to 1 hour after.

The applicant has made the following additional comments as part of the application:

- In relation to live music – disco/karaoke, plus the odd live band may perform outside but be finished for 2230 hours at latest.
- In relation to recorded music - playing of record music via juke box etc. with outside at a lower level and off by 2230 hours at latest.

The applicant has stated that the opening times of the premises are as follows:

- 1000 hours and 0100 hours Sunday to Thursday
- 1000 hours and 0130 hours Friday and Saturday

The applicant has also specified seasonal hours as follows:

- Christmas Eve, New Year's Eve and Bank Holidays inside only until 0230 hours
- If a large televised sporting event takes place outside any of these hours, depending on timings 1 hour before event and up to 1 hour after.

Following the submission of the application paperwork, representations had been received from 11 interested parties. In addition, South Yorkshire Police, RMBC Community Protection Unit and RMBC Licensing have agreed conditions with the applicant that were intended to address any concerns that the Responsible Authorities may have had in relation to the application.

Two members of the public presented their objections to the proposals. There were also nine written statements by members of the public. The objections were as follows:-

- Unreasonableness of the requested closing times which were more suited to a city centre bar/nightclub
- Location of the premises within a built-up residential area
- Potential serious public nuisance, increase in crime and disorder and anti-social behaviour
- It being the only licensed premises for a large surrounding area with such late opening times which could attract people from out of the area
- Excessive noise and disruption already experienced as a result of the current closing times
- Noise nuisance from the playing of loud music until unsociable hours
- Ability to sell alcohol for consumption off the premises would lead to an increase in littering and encourage street drinking and unsocial behaviour
- Unsociable opening hours would affect residents who had to go to work every day
- The playing of music outdoors until the proposed closing time would impact upon a large number of residents

The applicant addressed the issues raised by the objectors.

In conclusion, the Sub-Committee took due note of the written and oral representations made and the conditions agreed with the applicant and South Yorkshire Police, RMBC Community Protection Unit and RMBC Licensing intended to address any concerns that the Responsible Authorities may have had in relation to the application.

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):-

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- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm.

Resolved:- That the application for a Premises Licence, under the provisions of the Licensing Act 2003, in respect of the Yorkshire Terrier, Whitehill Road, Brinsworth, Rotherham, be approved subject to the following conditions:-

(1) Opening Times

Sunday-Thursday: 1000 hours-2330 hours
Friday and Saturday: 1000 hours-0100 hours

Bank Holidays 1000 hours – 0100 hours
Christmas Eve 1000 hours – 0130 hours
New Year's Eve 1000 hours – 0230 hours

(2) Retail Sale of Alcohol [for consumption on and off premises]

Sunday-Thursday: 1000 hours-2300 hours
Friday and Saturday: 1000 hours-0030 hours

Bank Holidays 1000 hours – 0030 hours
Christmas Eve 1000 hours – 0100 hours
New Year's Eve 1000 hours – 0200 hours

(3) Provision of Late Night Refreshment

Sunday-Thursday 1000 hours-2300 hours
Friday and Saturday 1000 hours-0030 hours

Bank Holiday 1000 hours – 0030 hours
Christmas Eve 1000 hours – 0100 hours
New Year's Eve 1000 hours – 0200 hours

(4) Regulated Entertainment [Live & Recorded Music]

Sunday-Thursday 1000 hours-2300 hours
Friday and Saturday 1000 hours-0030 hours

Bank Holidays 1000 hours – 0030 hours
Christmas Eve 1000 hours – 0100 hours
New Year's Eve 1000 hours – 0200 hours

(5) Live and recorded music is regulated between 2300 hours and 0800 hours. Any live and recorded music is permitted indoors only after 2300 hours.

- (6) That additional provisions for live sporting events be not approved due to concern that this would be used for events held in the early hours and as a result would not be appropriate in terms of the promotion of the licensing objective to prevent public nuisance based upon the issues raised by the objectors. However, the Applicant did still have the option to apply for a temporary events notice.
7. Drinks may not be removed from the premise in open containers except for consumption in the area provided for that purpose. If the external area is being used, a risk assessment for the use of alternative drinkware to be carried out, details of risk assessment to be kept for 6 months and made available upon request.
8. The licence holder shall ensure regular drinking vessel collecting is undertaken to ensure children under the age of 18 do not have access to unattended open vessels containing alcoholic products, both inside and outside the premises.
9. It is considered that for the nature of the operation door supervisors will not be required however, the use of door supervisors will be risk assessed on an event by-event basis and a written record of the risk assessment be kept at site for 6 months and made available to the Police or an Officer of the Licensing Authority upon request. Where engaged, door staff shall be licensed by the SIA.
10. A colour CCTV system to be fitted, maintained and in use at all times whilst the premises are open. The CCTV images will be stored for 30 days and police and authorised officers of the Council will be given access to images for purposes in connection with the prevention and detection of crime and disorder. CCTV footage shall be downloaded and provided to South Yorkshire Police and/or relevant local authority officer on request. Members of the management team will be trained in the use of the system.
11. There must be at least one member of staff trained in the use and download of CCTV on the premises at all times when open.
12. An incident register shall be maintained and kept on site at all times to record all incidents involving anti-social behaviour, injury and ejections from the premises. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the incident, and details of the nature of the incident and names of any other staff involved or to whom the incident was reported. The log must be reviewed and signed on a weekly basis by a relevant supervisor for the premises. Such records to be retained for at least 12 months and available for inspection on request.

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13. The licence holder shall take reasonable steps to report incidents to the Police as soon as possible during or after the event. The incident must be recorded within the incident register.

14. The DPS or a suitably trained manager shall be on site at all times when the premises are conducting licensable activities. It must be kept on written record who the authorised people in place of the DPS are.

15. The licence holder shall ensure that the 'Challenge 25' scheme is employed at the premises.

16. The relevant Challenge 25 signage will be in use throughout the venue at all times, including entrances to the venue to give plenty of notice to customers that this is what will be in operation. It will be easily visible to customers at all time including in all areas where alcohol is served. It will be displayed in any temporary sales locations on the premises. The signs must never be covered up whilst the premises are open.

17. New staff shall receive induction training prior to the commencement of their employment at the premises, including drug awareness, underage sales training, and serving to persons who are drunk.

18. Staff refresher training shall take place on an annual basis and shall be recorded.

19. All staff training (including refresher) records shall be retained on the premises, maintained by the DPS, authorised manager or Premises Licence Holder, and made available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.

20. All staff will be aware of the policy of not serving anyone under the age of 18 as part of their responsible sales training. Signs will be placed in the vicinity of all points of sale making customers aware.

21. The licence holder shall ensure that all staff are vigilant and have an understanding of safeguarding children.

22. A refusals register shall be maintained and kept on site at all times to record all occasions where refusal to sell alcohol has taken place. The register shall include consecutively numbered pages in a bound format and include the time, date and location of the refusal, and a description of the person(s) refused. The register shall be checked and signed on a weekly basis by the DPS or, in the absence of the DPS, the manager who shall be nominated in Writing. All refusals logs shall be checked and signed for weekly by relevant supervision for the premises.

23. Persons under the age of 18 years must be accompanied and supervised by a responsible adult and are not permitted after 21:00 hours.

24. The holder of the premises licence shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property at any time.

25. The holder of the premises licence shall take reasonable steps to ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of nearby residential properties.

26. Prominent, clear notices shall be displayed at all exits and any outdoor areas requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. The signs must never be concealed whilst the premises are open.

27. Disposal of waste bottles (or other waste items likely to result in noise) into external receptacles where noise will be audible to neighbouring properties must not occur between 22:00 and 07:00 hours.

28. Arrangements must be in place to ensure that waste collection contractors do not collect refuse between 22:00 and 07:00 hours.

29. An adequate number of suitable lidded receptacles shall be provided to receive and store refuse from the premises.

30. The Premises Licence Holder shall ensure that adequate measures are in place to ensure waste does not accumulate externally at their premises.

31. Receptacles for waste shall be emptied regularly to avoid causing a public nuisance through smells or odours and shall be maintained in a clean condition.

32. Trade waste containers will only be left out for collection of waste and will be stored off the public right of way at all other times.