

# APPENDIX 3

Rotherham Metropolitan Borough Council

## Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I **Keeley Ladlow, Principal Licensing Officer, Rotherham MBC**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Waverley New Brinsworth Road Catcliffe	
<b>Post town</b> Rotherham	<b>Post code (if known)</b> S60 5RW

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Ronald Woodthorpe
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<b>Number of premises licence or club premises certificate (if known)</b> PO034
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#### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

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Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

## (B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

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## (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address  Keeley Ladlow Principal Licensing Officer Rotherham Metropolitan Borough Council Main Street Rotherham S60 1AE
Telephone number (if any) <b>01709 822346</b>
E-mail address (optional) <a href="mailto:Keeley.ladlow@rotherham.gov.uk">Keeley.ladlow@rotherham.gov.uk</a>

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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**Please state the ground(s) for review** (please read guidance note 2)

Application is made under Section 51 of the Licensing Act 2003 for a full review of the premises licence in relation to a premises known as The Waverley, New Brinsworth Road, Catcliffe, Rotherham, S60 5RW.

The application seeks a revocation of the premises licence on the grounds that the premises licence holder is failing to properly promote the public safety licensing objective.

The grounds for the application are as follows:-

The premises are a large premises consisting of several separate rooms on one level, a large carpark and a large grassed external area. The premise is licensed for the sale of alcohol for consumption both on and off the premises. The licence has been in place since June 2005.

The current Designated Premises Supervisor of the premises is Alexander Nocton who has been the designated premises supervisor since December 2019.

On 10<sup>th</sup> November 2020 the licensing service were contacted by an officer from the Council's Environmental Health department regarding The Waverley. The officer notified the licensing service of two fixed penalty notices that had been served on Ronald Woodthorpe as the premises licence holder of the premises for breach of Regulation 6(1) of The Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020.

The first fixed penalty notice related to practices observed on 4<sup>th</sup> November 2020 by an Environmental Health Officer. Specifically, that on 4<sup>th</sup> November 2020 between 16.00hrs and 1725hrs the premises were observed to serve alcohol for consumption on the premises which was not served as part of a table meal. This contravened a restriction in force at the time that required alcohol to only be sold as part of a table meal.

The second fixed penalty notice related to practices observed on the same date by an Environmental Health Officer. Specifically, that on 4<sup>th</sup> November 2020 Mr Woodthorpe failed to comply with the restrictions imposed by Paragraph 15 (1)(a) and (b) of Part 2, Schedule 1 of the regulations; namely that as a restricted business serving alcohol for consumption on the premises Mr Woodthorpe did not sell food or drink for consumption on the premises that was ordered by, and served to, a customer who was seated whilst consuming the food and drink.

Environmental Health Officers observed customers in the premises approaching the bar to order drinks and approached staff members at various locations within the premises to request drinks. Environmental Health Officers further noted the premises had no signage on display to advise customers with regards to table service and the requirement to remain seated.

The lack of safe measures at the premises directly risks the safety of the public and undermines the public safety licensing objective.

On 14<sup>th</sup> December 2020 a written warning letter was sent to Mr Woodthorpe and Mr Nocton by the Councils Community Protection Officers following members of the public reporting the premises to South Yorkshire Police for hosting a party. South Yorkshire Police Officers attended the premises and discovered the party to be a private party on the premises for the birthday of one of Mr Noctons' children.

Mr Nocton and Mr Woodthorpe were reminded of the regulations which were in force to reduce the spread of Coronavirus and the requirement for the premises to be closed.

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**Please provide as much information as possible to support the application** (please read guidance note 3)

Detailed as above.

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Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

**If you have made representations before relating to the premises please state what they were and when you made them**

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Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

.....

Date **27<sup>th</sup> April 2021**

.....

Capacity **Principal Licensing Officer, Rotherham MBC**

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

## Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.