LICENSING SUB-COMMITTEE
6th September, 2021

Present:- Councillor Ellis (in the Chair); Councillors Barker and Hughes.

LICENSING ACT 2003 - LICENCE - CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.34 OF THE LICENSING ACT 2003) FOR THE VARIATION OF A PREMISES LICENCE FOR DEER PARK FARM RETAIL VILLAGE, UNIT 2, DONCASTER ROAD, THRYBERGH, ROTHERHAM, S65 4BH

Consideration was given to an application (made in accordance with Section 34 of the Licensing Act 2003) for the variation of a Premises Licence in relation to Deer Park Farm Retail Village, Unit 2, Doncaster Road, Thrybergh, Rotherham S65 4BH.

The applicant was seeking a variation of the licence to amend the area within which licensable activity could take place, and to include the retail sale of alcohol (for consumption on and off the premises) in a new development (referred to in the application as a “micro pub”).

Following the submission of the application paperwork, 5 representations were received from 6 local residents.

The premises currently had the benefit of a Premises Licence (number P1030), a copy attached at Appendix 2, which permitted the retail sale of alcohol (for consumption on and off the premises) between the following hours:-

Monday to Saturday	1000 hours to 2100 hours
Sunday	1100 hours to 2100 hours

These hours matched the stated opening times of the premises.

The application was to vary the hours during which alcohol could be sold, and to amend the area covered by the licence which permitted the retail sale of alcohol (for consumption on and off the premises). The full application form was attached at Appendix 3.

The applicant had stated that the sale of alcohol in the retail shop/deli would cease at 1700 hours except during November and December when the sale would continue to the terminal hour given above.

The proposed variation included other parts of the premises within the licensable area as well as a recently developed unit referred to as a “micro pub”. This development represented a significant change to the activities carried on at the premises. The applicant has noted that alcohol will be consumed in external areas of the premises and had marked these on the plan that accompanied the application.

Mr. Rose and Mr. Cristinacce, applicants, were in attendance at the hearing.

The Sub-Committee heard representations from:-

Mr. H.M.
Mr. M.H. and Mrs. G.H.

The objections centred around:-

- Noise, odour and light nuisance
- Potential for crime and disorder
- Lack of confidence in management at the premises due to previous failures to adhere to licensing requirements
- Access to the premises by children

In addition to the above, comments were received from the Council's Environmental Health Service and a number of additional conditions were proposed by the Council's Licensing Service (acting in its role as a Responsible Authority). These proposed conditions had been agreed by the applicant and would be added to the licence should the variation be approved.

No comments/objections had been received from any of the other Responsible Authorities as identified in the Licensing Act 2003.

Mr. Rose and Mr. Cristinacce, applicants, addressed the concerns raised by the objectors.

The Sub-Committee considered the application for the variation 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 the application for a variation to the Premises Licence, in accordance with the provisions of Section 34 of the Licensing Act 2003, in respect of the premises known as Deer Park Farm Retail Village, Unit 2, Doncaster Road, Thrybergh, Rotherham S65 4BH, be approved for the retail sale of alcohol (for consumption on and off the premises) between the following hours:-

Monday to Saturday	1000 hours to 2030 hours
Sunday	1100 hours to 2030 hours

And subject to the following conditions:-

1. The licence holder shall ensure that consumption of alcohol does not take place within the customer car parks and physically separated and is contained to the inside and seating areas outside as marked out in the plan.

2. That new staff shall receive induction training within 28 days of commencement of their employment at the premises including drug awareness, underage sales training and serving to persons in drink. This training shall be recorded.

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

4. All staff training records shall be retained on the premises, maintained by the Designated Premises Supervisor or Premises Licence Holder, and made available immediately for inspection upon request by South Yorkshire Police or Local Authority Enforcement Officers.

5. A refusal register shall be maintained and kept on site at all times to record all incidents involving refusal to serve alcohol at 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 register shall be checked and signed on a weekly basis by the Designated Premises Supervisor or, in the absence of the Designated Premises Supervisor, the manager who shall be nominated in writing.

6. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.

7. 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 register shall be checked and signed on a weekly basis by the Designated Premises Supervisor or, in the absence of the Designated Premises Supervisor, the manager who shall be nominated in writing.

8. The register shall include the details of any Police Officer who attended the incident, names and addresses of any witnesses and confirmation as to whether there is CCTV footage of the incident.

9. This register shall be made available for inspection by South Yorkshire Police or Local Authority Enforcement Officers immediately upon request.

10. The Premises Licence Holder shall adopt an age verification scheme which incorporates Challenge 25.

11. Notices shall be displayed in the premises where they can be seen clearly to advise customers that it is unlawful for persons under 18 to purchase alcohol or for any persons to purchase alcohol on behalf of a person less than 18 years of age.

12. The Licence Holder shall ensure that no promotional offers on prices of alcohol are offered with sale of shop goods.

13. A digital CCTV system shall be installed and in operation at the premises at all times. There shall be CCTV in each of the buildings where alcohol will be sold including the areas where alcohol is on display and the till area. There shall also be CCTV covering the outside area. The system shall have a 28 days' recording and retrieval system and footage shall be capable of being downloaded immediately onto a portable storage device such as memory stick or DVD. The CCTV cameras shall cover the till area where payment is made for alcohol. The location of the monitor to allow playback and retrieval of data shall be located in an area which is easily and safely accessible to Police Officers and Local Authority Officers.

14. At least one current staff member shall be trained in the use of the system to ensure rapid data retrieval and download is retrieved should it be required by a Police Officer or Council Licensing Enforcement Officer. Any footage requested shall be made available in any event within 24 hours.

15. Whenever there are anticipated changes to the normal operating framework of the premises, where it is reasonable to assume there will be an increase in customers, a risk assessment shall be carried out by the Premises Licence Holder to determine whether door supervisors/security officers shall be required. The risk assessment shall be documented in a register, kept at the premises and available for inspection by the Police or Council Licensing Enforcement Officer upon request. The risk assessment shall comply with any advice given by South Yorkshire Police or Council Licensing Officers in respect of door supervisors.

16. Customers shall be reminded by way of clear and prominent notices at the entrance/exit doors to please respect the needs of the local residents and leave the premises and area quietly.

17. That the double doors to the micro bar should be self-closing doors and not to be wedged open at any time to prevent any breakout of noise from the bar and to protect the local residents from any unwanted noise.

18. That the emptying of the bottle bins into exterior bins should only be carried out between the hours of 10.00 a.m. and 2.00 p.m.