

LICENSING SUB-COMMITTEE
25th July, 2013

Present:- Councillor Wootton (in the Chair); Councillors Barron and Goulty.

CLUB/PREMISES CERTIFICATE (LICENSING ACT 2003) - QUEEN'S HOTEL, WINTERWELL ROAD, WEST MELTON

Further to a minute of the meeting of the Licensing Sub-Committee held on 14th September, 2012, consideration was given to an application for the review of a premises licence under the provisions of the Licensing Act 2003, in respect of the premises known as the Queen's Hotel, Winterwell Road, West Melton.

The review had been applied for by the Borough Council's Community Protection Unit, under the prevention of public nuisance, public safety and protection of children from harm licensing objectives. The Sub-Committee heard representations from a Borough Council Licensing Enforcement Officer, local residents, the Police Licensing Enforcement Officer, the Public Health Co-ordinator and the Rotherham Safeguarding Children Board, all in support of the review application. In addition, there were representations from the Solicitor for Admiral Taverns and representatives of Admiral Taverns, as well as the new Designated Premises Supervisor and his father.

The Sub-Committee heard that, since the review of the premises licence on 14th September 2012, the premises had continued to be a cause for concern to the Community Protection Unit and to local residents. Reference was made to the diary of incidents maintained by local residents which detailed incidents happening outside the premises and in the vicinity of their properties: these included urinating, shouting and swearing by customers of the premises, indecent behaviour outside the premises, the breaking of glasses/bottles and the general unruly behaviour of customers, some of whom appeared to be young and in many cases below the age to purchase alcohol. The South Yorkshire Police had taken witness statements in respect of a public order disturbance which had occurred outside the premises on 16th October 2012. A young person (aged 16 years) had been arrested during this incident and had admitted to drinking alcohol inside the premises. It was known that 'bass line' events happened frequently at the premises, specifically to attract younger customers.

Members were advised that a noise abatement notice under the provisions of the Environmental Protection Act 1990 had been served on the premises (December, 2012) as a result of the continuing noise nuisance at the premises. There had been changes in the form of replacing the Designated Premises Supervisor, although the problems had remained. The local residents described how they felt intimidated by

some of the customers of the premises and were fearful of reprisals should they challenge the behaviour of those customers.

The Licensing Sub Committee heard from the Licensing Enforcement Officer of South Yorkshire Police who confirmed the Police contact with the previous Designated Premises Supervisor, as well as the incidents which had occurred at the premises. Members also heard from a representative of the Borough Council's Public Health service, who expanded on the representation about the impact of alcohol on young persons, both from a health perspective and the longer term impact on educational and social development. A representative of the Rotherham Safeguarding Children Board spoke about the representation concerning the impact of the issues raised on the safety of children and protecting children from harm.

The representatives for the licence holder advised the Sub-Committee that as soon as the Company had learned about the issues at the premises, via the submission of a review, the Company had acted immediately to take steps to resolve the issues at the premises. Reference was made to the appeal against the previous decision (14 September 2012) which concerned the need to seek clarification about the wording and meaning of a condition that had been imposed at that 2012 hearing about the use of a smoking area at the premises. The appeal had ultimately been withdrawn during March 2013.

The Sub-Committee heard about the operation of Admiral Taverns as a business and the way in which the Company deals with its licences and tenancies. Reference was made to the case law of *Hall and Woodhouse Ltd v the Borough and County of the Town of Poole*, where it was found that the acts of third parties/tenants cannot be attached to the premises licence holder.

The representative for Admiral Taverns told the Sub-Committee about the Company improving the premises. A new Designated Premises Supervisor and his family have invested in the premises and intend to recreate a local community pub and to attract customers from the local area. The new Designated Premises Supervisor and his father spoke to the Sub-Committee about the plans for the future development of the premises and the business.

The Sub-Committee questioned both parties about the issues raised during the review and heard lengthy testimony about the circumstances of the review and actions taken since the review was submitted to the Licensing Authority.

Resolved:- (1) That the details of the application for the review of the premises licence be noted.

(2) That the premises licence in respect of the Queen's Hotel, Winterwell Road, West Melton be suspended for a period of two months.

(3) That the hours for the sale of alcohol at the premises be amended to:-

- Friday and Saturday until 0030 hours and the premises shall close at 0100 hours

(4) That the following additional conditions shall be attached to the premises licence and are agreed as part of the Minor Variation application:-

(a) no drinks are to be taken outside the premises, to any of the smoking areas, after 2000 hours (Monday to Sunday); and

(b) no drinks are to be taken outside the premises unless they are contained in plastic/polycarbonate glasses and the contents of all glass bottles shall be decanted into plastic/polycarbonate glasses.