

# **APPENDIX 7**

## **Representation from Licensing Authority**

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## REPRESENTATION AGAINST THE APPLICATION FOR A FULL VARIATION TO THE PREMISES LICENCE IN RESPECT OF SEASONS RESTAURANT, 151-152 BAWTRY ROAD, WICKERSLEY, S66 2BW.

I am the Principal Licensing Officer employed by Rotherham Metropolitan Borough Council.

On behalf of Rotherham Council carrying out its functions as a Responsible Authority I wish to make a representation in respect of an application for a full variation of the premises licence relating to Seasons restaurant located at 151-152 Bawtry Road, Wickersley, S66 2BW.

The grounds of the representation are based on the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.

The premises licence held by the applicant Seasons Wickersley Ltd was granted in August 2020 with strict conditions which were agreed by the applicant taking into consideration the Cumulative Impact Policy. The premises are cited within an area in which residential properties are negatively affected by licensed premises in the locality. A Cumulative Impact Assessment was undertaken which subsequently resulted in the Policy and Cumulative Impact Zone.

Should the variation to the premises licence be granted this will have a negative impact on the licensing objectives and further contribute to existing issues already prevalent within the area.

The premises open daily for breakfast, lunch and dinner and is over two floors, the upper floor being a small mezzanine area. The restaurant can provide a minimum of 50 covers at any one time.

The applicant has requested the removal of a condition restricting the sale of alcohol to those seated or waiting to be seated. The applicant has further requested this condition be replaced with the following

*Save for occasions when the area is being utilised for a private pre-booked function. Customers in the restaurant areas and any external area of the premises (non-hatched on the deposited plan) shall remain seated when consuming alcohol.*

Should this condition be agreed, the premises would have the ability and permission to close the premises to the public and admit those attending a pre-booked function. This would result in all attendees being able to stand and consume alcohol without the requirement to be seated or have a meal and the premises would be more akin to a pub. This would have a detrimental impact on residents within the locality and have the likelihood to contribute to crime and disorder.

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The applicant has further requested the licence and plan be amended to permit vertical drinking within an area at the front of the premises – this area is defined on the amended plan by hatch markings. This area contains a bar with bar stool style seating and a small booth seating area. Should this be agreed, this area of the premises will be able to operate as a bar serving drinks to standing guests without the requirement to have a meal or be seated. This would be more akin to a pub than a restaurant and would adversely affect residents within the locality due to noise and the likelihood for increased disorder following increased demand for drinks only within the premises.

The applicant has requested the removal of a condition requiring 3 door supervisors from 22.00hrs on a Friday and Saturday evening to manage customers from the restaurant and the adjacent premises, The Courtyard.

No similar condition is in place upon the premises licence for The Courtyard and should this condition be removed, there will be no requirement to have door supervision monitoring the premises. The door staff assist in management of customers and the reduction of crime and disorder, the removal of these will only contribute to crime and disorder from the premises and within the immediate locality. This disorder is likely should the premises be permitted to have vertical drinking in the bar/reception area of the premises without the requirement to have a table meal and the permission to have drinking only during pre-booked functions to which there is no restriction in number.

It is accepted by the premises licence holder that food service is ended at approximately 22.00hrs each day of the week. With the current licence allowing until midnight and the applicant wishing to retain midnight on a Friday and Saturday there would be the likelihood of the premises becoming a bar after 22.00hrs with no door supervision and significant adverse impact on residents in the locality. The applicant has also requested the terminal hour remain midnight Monday – Thursday should the premises be carrying out a pre-booked function. This would result in the premises having vertical drinking only until midnight with no door supervision or restriction. The ability to operate in this way would affect the crime and disorder and public nuisance licensing objectives.

It is accepted that the applicant has proposed a risk assessment be undertaken to determine whether door supervisors are required for events that are not usual business. However, this is not deemed to be sufficient as the premises if granted the variation as applied for will have the ability to operate the front of the premises as a bar each day of the week and the entirety of the premises as a vertical drinking bar should it be stated that there is a pre-booked function taking place. The premises is situated adjacent to another licensed premises which is extremely busy during the night-time economy and shares an external area with this premises.

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The outside area becomes very busy with customers drinking outside on a Friday and Saturday evening – this area contributes to high levels of noise nuisance and has had incidents of disorder.

No door supervision managing customers within this area in the late hours of the evening will adversely affect the licensing objectives and residents within the locality.

The applicant has requested the removal of a condition requiring the premises to operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a meal. The applicant has requested a condition which was added in error to the licence requiring the premises to operate primarily as a restaurant remain on the licence.

The removal of this condition is likely to result in the premises operating as a bar on occasions and will adversely affect the licensing objectives and local residents.

I will be able to deliver evidence at a Licensing Hearing if required.

Principal Licensing Officer

Rotherham MBC

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## **Representation from Ward Councillors**

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**From:** Cllr Sue Ellis <CllrSue.Ellis@rotherham.gov.uk>

**Sent:** 12 August 2022 15:20

**To:** Diane Kraus <Diane.Kraus@rotherham.gov.uk>

**Subject:** Seasons Objections

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Objection to vary the Licensing conditions to the Seasons Restaurant, Bawtry Road,  
Wickersley

This is an objection on behalf of the three local councillors, Cllr. Ellis, Cllr. Read and Cllr. Hoddinott

Please take into account the original objects to the application for Seasons to become a restaurant. Also please see the CIZ for the area and the Neighbour Plan which has been adopted by the Borough Council and the issues of anti-social behaviour, litter and noise. of these documents are still relevant.

At the original hearing the committee were on numerous occasions told and reassured that the premises would only be solely used as a restaurant and that they aspired to becoming a Michelin star restaurant. Due to this the committee attached various conditions to ensure this happened and to ameliorate the problems that the local community are facing. It was only due to the conditions being attached that the license was granted.

The proposed removal of some of the conditions and in particular 1a and 1c would enable an extensive area to become a bar area, only being used for the serving of alcohol with no necessity for any food to be served or consumed. This is at complete odds to all that was said to the committee and the community. It is also at variance to the CIZ and Neighbour Plan.

The application talks about an additional 20 people being introduce to the premises when the areas directly in front of the entrance and in front of the building are already incredibly busy, especially but not only at the weekends. The entrance to the premises is in a courtyard which also houses a wine bar and is already profusely busy. It is a confusing layout for accessing both these building and another 20 plus people will add to the confusion and chaos. These additional 20 people once inside Seasons will also be congregated directly as you enter the premises, which mean that all the customers will have to negotiate or push their way through a crowd to get to the restaurant part of the premises, hardly the start to a fine dining experience.

Since the granting of the License the owners of Seasons have added a decked with additional seating at the front of the building. This has created a pinch point and exacerbated the problems of a lot of people on the highway at night-time when all the pubs and clubs are trading. It is also in front of where taxies pick up and drop off. This means `The Strip ` (as it

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is locally known) between The 3 Horseshoes and The Masons is particularly busy and at this pinch point people are forced into the road to pass. The dangerous to pedestrians and drivers alike is obvious.

For these reasons and the reasons stated in the original objections the Ward councillors are still of the opinion that to remove the conditions would have serious and detrimental implications for the community and residents of Wickersley.

Cllr Sue Ellis

Cllr Chris Read

Cllr Emma Hoddinott

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## **Representation from Wickersley Parish Council**

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**From:** Assistant Clerk at Wickersley Parish <clerkadmin@wickersleypc.org.uk>

**Sent:** 21 July 2022 16:37

**To:** Licensing <Licensing@rotherham.gov.uk>; Diane Kraus <Diane.Kraus@rotherham.gov.uk>

**Cc:** Clerk at Wickersley Parish <clerk@wickersleypc.org.uk>; Alan Pogorzelec <Alan.Pogorzelec@rotherham.gov.uk>

**Subject:** REPRESENTATION - Application to vary the Premises Licence - Seasons Restaurant, 151-152 Bawtry Road, Wickersley, S66 2BW

Good afternoon,

Please see below representation from Wickersley Parish Council in relation to the application to vary the premises licence at Seasons Restaurant.

## **APPLICATION TO VARY THE PREMISES LICENCE - SEASONS RESTAURANT, 151-152, BAWTRY ROAD, WICKERSLEY**

Wickersley Parish Council wishes to raise a strong objection to the proposed variation for a number of reasons, as follows:

- The whole of Wickersley is covered by a Cumulative Impact Policy in recognition that the area is suffering from a high concentration of licensed premises in the village centre, which has resulted in a number of adverse effects being experienced by the local population so far as 3 of the licensing objectives are concerned. There is now therefore a presumption against granting any further licences or variations to licences unless the applicant can demonstrate that their proposal will not further add to the impact already felt from the existing licensed premises. It is therefore essential that this test is applied to the proposal to vary the conditions on the existing licence. The licence for Seasons Restaurant was granted in August 2020 shortly after the policy was introduced and the conditions imposed were those that the Licensing Authority considered were required to ensure no additional impact from this business. There would therefore need to be compelling evidence from the applicant to demonstrate that the variations would meet the tests of the policy. No such evidence has been provided in this case.
- The main adverse impacts from licensed premises in terms of noise and disturbance, crime and anti-social behaviour as well as public safety arise from those premises that operate as bars or mixed restaurants and bars. The majority of these premises are located in close proximity to Seasons Restaurant and indeed, the applicant also operates The Courtyard which has been one of the main sources of adverse impact and shares the same external space. It is therefore essential that Seasons continues to operate solely as a restaurant to prevent an escalation of issues associated with

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customers who are primarily out for an evening of drinking, rather than having a drink as part of a meal.

- The proposed removal of condition 23 of the licence would allow the applicant to instead rely on condition 2 of the licence, which was inadvertently included in the licence and only requires the premises to operate primarily as a restaurant rather than operating solely as a restaurant. This would therefore allow customers to visit the premises purely for the purpose of drinking so long as the majority of customers visited for a meal as well. This is also reflected in the proposed removal of condition 22 which currently requires alcohol only to be served to customers seated or waiting to be seated, and its replacement with a condition that allows part of the premises (so called waiting area) to be used by standing customers when consuming alcohol. It is therefore clear that the applicant wishes to change that part of the premises to a bar with vertical drinking which would undoubtedly increase the number of customers as well as increase the potential adverse impacts from people consuming large amounts of alcohol.
- The proposed variation also seeks to allow the premises to be used for private pre-booked functions without the customers needing to remain seated. This could result in large numbers of people attending a function largely for the purpose of drinking which again could lead to adverse impacts on the local neighbourhood.
- When the original application was made for the premises licence, the applicant reassured the Licensing Sub-Committee that the premises would operate 100% as a high-end restaurant and nothing else. There was also an assurance that there would be no vertical drinking in the external Courtyard area. Yet when the Parish Council appealed against the decision to seek inclusion of an additional condition to that effect and to remove condition 2 in order to ensure that condition 23 took precedence, the applicants would not agree. Instead the applicants sought to delete condition 23 so that the premises only had to operate primarily as a restaurant. It would therefore appear that this was the applicant's intention all along, given that this variation application has been submitted within only a few months of the restaurant opening.
- Since the licence was granted for these premises, there have been a number of other applications for new licenses and, in each case, the Licensing Authority has only granted the licence with strict conditions to ensure all of them operate solely as a restaurant or cafe without any ancillary bar facility and to ensure alcohol is only served to seated customers. Furthermore, "W" restaurant, when seeking a variation to their licence to incorporate additional floorspace agreed to such strict conditions on the whole premises to demonstrate that they were only intending to operate as a restaurant, not as a bar. It would therefore be entirely inappropriate for Seasons to be granted the proposed variation to their licence when all other recent licensees have accepted the need for such conditions given the Cumulative Impact Policy and the issues that are caused by the high number of licensed premises in the area.

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- A Neighbourhood Plan for Wickersley has recently been adopted which means that its policies must be taken into account when planning applications are determined. This Plan includes a policy which seeks to restrict the number of drinking establishments or mixed uses that include drinking establishments to no more than 5% of the total number of commercial units in the District Centre. This policy is intended to complement the Cumulative Impact Policy in recognition of the importance of the Planning and Licensing regimes operating in a consistent way to ensure no additional adverse impact from drinking establishments. That maximum percentage in the policy has already been reached and hence no further planning consents should be forthcoming at the present time. It would therefore be perverse to allow a relaxation of Seasons' licence which allows it to operate partly as a bar and thus undermine both planning and licensing objectives for this area.
- The Parish Council also have concern about removal of condition 25 which requires a minimum of 3 door staff on Friday and Saturday evenings in order to manage customers from Seasons and the adjacent Courtyard bar. Given that both premises share a large external area and are in the same ownership, it is necessary to manage customers from the Courtyard to ensure they do not inappropriately use Seasons for ordering drinks and then taking them out into the external areas.

The Parish Council have no objection to the terminal hours for retail sales of alcohol being reduced to 23.00 hours (11 pm) Monday to Thursday.

Kind Regards,

Amy

Assistant Clerk to Wickersley Parish Council



[www.wickersleypc.org.uk](http://www.wickersleypc.org.uk)

