

**LICENSING SUB-COMMITTEE
Wednesday 28 September 2022**

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

11. LICENSING ACT 2003 - CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.34 OF THE LICENSING ACT 2003) FOR THE VARIATION OF THE PREMISES LICENCE ISSUED TO SEASONS (WICKERSLEY) LTD IN RESPECT OF THE PREMISES KNOWN AS SEASONS RESTAURANT SITUATED AT NOS. 151-152 BAWTRY ROAD, WICKERSLEY, ROTHERHAM, S66 2BW

At the commencement of the meeting, it was clarified that Councillor Ellis, although Chair of the Licensing Committee, was in attendance and objecting to the application in the capacity of Ward Councillor.

Mr. M. Green (applicant), Mr. C. Grunert (applicant's legal representative) and the Area Manager of Seasons were in attendance.

The Sub-Committee considered an application to vary the terms, conditions and restrictions of the Premises Licence currently in force in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham S66 2BW.

The applicant sought to:-

1. Remove the following condition from the licences:-
 - a. The licence holder shall ensure that alcohol will be served to customers seated or to those waiting to be seated
 - b. The licence holder shall ensure that the use of door staff will be risk assessed on an ongoing basis by the licence holder or premises supervisor. A minimum of 3 SIA door supervisors will be employed to manage customers from Seasons and adjacent premises from 22:00 hours on Friday and Saturday evenings when the Courtyard is open and trading
 - c. The licence holder shall ensure that the premises shall operate solely as a restaurant, save for alcohol being served to those waiting to be seated or ancillary to a restaurant meal
2. Add the following conditions to the licence:
 - a. 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
 - b. Customers in the area hatched on the deposited plan shall be permitted to stand while consuming beverages. The number of customers permitted to stand in this area shall not exceed 20 persons (excluding dining guests)

3. Update the approved layout plan to add hatching as per the above proposed condition
4. Reduce to the terminal hour for the retail sale of alcohol on each of the days Monday to Thursday from 24:00 hours (midnight) to 23:00 hours. However, the applicant seeks to retain the midnight terminal on each of the days Monday to Thursday for private events (these could be unlimited), on New Year's Eve and on Bank Holiday Mondays.

The premises were located within an area designated by the Council as being subject to the cumulative impact of a concentration of licensed premises. A copy of the Council's Cumulative Impact Policy was attached as Appendix 4 to the report submitted.

The Sub-Committee had visited the site prior to the start of the formal meeting.

The Licensing Authority had received 3 representations to the application from the local Ward Councillors, Wickersley Parish Council and the Licensing Service (in the role of Responsible Authority under the Licensing Act 2003).

No objections had been received from the Authority's Environmental Health Officer or South Yorkshire Police.

The Sub-Committee heard representations from Mrs. K. Ladlow (Principal Licensing Officer of the Local Authority Licensing Enforcement Unit), citing the following concerns:-

- Removal of the condition restricting the sale of alcohol to those seated or waiting to be seated would result in the premises having the ability and permission to close the premises to the public and admit those attending a pre-booked function. Attendees would be 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
- If agreed, the hatched area would be able to operate as a bar serving drinks to standing guests without the requirement to have a meal or be seated
- The door supervisors assisted in the management of customers and the reduction of crime and disorder; the removal of these would only contribute to crime and disorder from the premises and within the immediate locality
- Should food service end at 22:00 hours and the current licence allowing until midnight, there would be the likelihood of the premises becoming a bar with no door supervision
- Should there be a pre-booked function, this would result in vertical drinking only until midnight with no door supervision or restriction

- The removal of the condition requiring the premises to operate solely as a restaurant except for alcohol being served to those waiting to be seated or ancillary to a meal, would result in the premises operating as a bar on occasions and would adversely affect the licensing objectives and local residents

A member of Wickersley Parish Council and Councillor Ellis presented their objections to the proposals. The objections were as follows:-

- As well as the Wickersley Cumulative Impact Zone there had been a referendum and a Wickersley Neighbourhood Plan adopted by the Council. Consultation on the Plan had shown an overwhelming public view of too many bars and licensed premises in Wickersley
- The proposed removal of some of the conditions, 1a and 1c in particular, would enable an extensive area to become a bar area, only being used for the serving of alcohol
- Proposed 20 additional people in the premises when the areas directly in front of the entrance and in front of the building were already very busy
- A decked area with additional seating had been added since the granting of the licence which had created a pinchpoint and exacerbated the problems of people on the highway at night time
- The recently adopted Wickersley Cumulative Impact Zone and the consultation that had taken place leading to the adoption of the Zone
- The proposal to use the premises for private pre-booked functions without customers needing to remain seated could result in large numbers attending largely for the purpose of drinking
- Other licences recently granted in the area had strict conditions to ensure all of them operated solely as a restaurant/café without any ancillary bar facility
- Concern with regard to the proposed removal of condition No. 25 requiring a minimum of door staff on Friday and Saturday evenings to manage customers from Seasons and the adjacent Courtyard bar
- Noise and disturbance
- Crime and anti-social behaviour and public safety

The applicant's representative and the applicant addressed the issues raised by the objectors.

Based on the discussions that had taken place, Mr. Grunert advised that Mr. Green wished to amend the proposed conditions as follows:-

Condition No. 11 (Annex 2) ~~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.

Condition No. 2 (Annex 2) The licence holder shall ensure the premises shall operated ~~primarily~~ solely as a restaurant. The sale of alcohol without food will always remain as an ancillary part of the main use of the premises as a restaurant. The premises will not operate exclusively as a bar.

Proposed Conditions

15.5.ii Customers in the area hatched on the deposited plan shall be permitted to stand while consuming beverages. The number of customers permitted ~~to stand~~ in this area shall not exceed 20 persons (including dining guests).

Condition No. 19(a) ~~The premises shall limit private pre-booked functions at the premises to no more than 24 functions per calendar year.~~

In conclusion, the Sub-Committee took due note of the written and oral representations made and the fact that there was no representations from Environmental Health or South Yorkshire Police. Cognisance was also taken of the amendments to the proposed variation put forward by the applicant and his legal representative at the meeting

The Sub-Committee considered the application for the variation of the Premises Licence, and the subsequent amendments, and the representations made specifically in the light of the following Licensing objectives (as defined in the 2003 Act):-

- The prevention of crime and disorder.
- Public safety licensing objectives.
- The prevention of public nuisance.

Resolved:- (1) That the variation of the Premises Licence in respect of Seasons Restaurant, 151-152 Bawtry Road, Wickersley, Rotherham, be approved as follows:-

(a) That customers in the restaurant areas and any external area of the premises (non-hatched on the deposited plan) shall remain seated when consuming alcohol.

(b) That customers in the area hatched on the deposited plan shall be permitted to stand while consuming beverages. The number of customers permitted in this area shall not exceed 20 persons (including dining guests waiting to be seated).

(c) That the approved layout plan to add hatching as per (b) above.

(d) That the standard terminal hour for the retail sale of alcohol be reduced to 23:00 hours Monday-Thursday.

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(e) That the midnight terminal hour for Friday, Saturday and Sunday evenings, for private events, New Year's Eve and Bank Holiday Monday evenings be retained.

(f) That the licence holder shall ensure the premises shall operate solely as a restaurant.

(2) That the withdrawal by the licence holder of the proposed condition regarding the number of private functions be noted.