

**LICENSING SUB-COMMITTEE  
29th November, 2022**

Present:- Councillor Hughes (in the Chair); Councillors Jones and McNeely.

**15. CONSIDERATION OF AN APPLICATION (MADE IN ACCORDANCE WITH S.51 OF THE LICENSING ACT 2003) FOR THE REVIEW OF THE PREMISES LICENCE ISSUED TO EI GROUP LIMITED IN RESPECT OF THE PREMISES KNOWN AS THE JOKER SITUATED AT BLACKTHORN AVENUE, BRAMLEY, ROTHERHAM, S66 2LU**

Consideration was given to an application made (in accordance with Section 51 of the Licensing Act 2003) by a local resident for the review of the Premises Licence currently in force in respect of The Joker, Blackthorn Avenue, Bramley, Rotherham.

Representations in support of the application to review had been received from 3 local residents.

The application under consideration for the review of the Premises Licence was made on 15<sup>th</sup> September, 2022 by Mrs. S. Bedford on the grounds that the licence holder was failing to promote the licensing objectives namely:-

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

It was noted that no representations had been made by South Yorkshire Police, the Council's Environmental Health Service or the Licensing Service (acting in their roles as a Responsible Authority under the Licensing Act 2003).

On 13<sup>th</sup> October an application for the minor variation of the Premises Licence was made on behalf of the Ei Group Limited. The application sought to reduce the terminal hour authorised for the playing of recorded music, the provision of the facilities for dancing and the provision of late night refreshment on Fridays and Saturdays to 12.00 midnight (previously 01.00 a.m. on the day following) and the addition of 29 management control conditions to the licence.

In the absence of relevant representation, the application for the minor variation of the Premises Licence was granted on 2<sup>nd</sup> November, 2022, and the terms of the licence amended in accordance with the application i.e.:-

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1. A CCTV system shall be installed at the premises, recording for the entirety of each 24-hour period and for a minimum of 28 days. CCTV footage must be made available within 48 hours to the Police or officers of the Council upon request and be of evidential quality.
2. The Designated Premises Supervisor (DPS) must ensure that at least 1 member of staff in addition to the designated premises supervisor is trained in the recording and retrieval of CCTV images.
3. The CCTV cameras shall cover all entrances and exits, the area in which payment is made for alcohol and all areas to which the public have access including all external areas. The licence holder must ensure that the hard drive is located in an area that is easily accessed by officers.
4. The DPS shall adopt an age verification scheme which incorporates "Challenge 25" The Premises Licence Holder shall ensure that Challenge 25 notices are on display in view of the public and in the area in which payment for alcohol is made.
5. The DPS shall keep a register of refused sales of all age-restricted products. The refusals book must be retained on the premises and made available for inspection by the Police or officers of the Council upon request.
6. The refusals book must contain details of time and date, description of the attempting purchaser, description of the age restricted products they attempted to purchase, reason why the sale was refused and the name/signature of the person refusing the sale.
7. The refusals book must be examined on a weekly basis by the DPS or a suitably trained member of staff. Upon examination the book must be signed and dated.
8. The DPS shall ensure that an incident report register is maintained and kept onsite at all times to record all incidents involving anti-social behaviour injury and ejections from the premises. This shall be completed as soon as possible and, in any event no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry.
9. The incident report register is to be kept on the premises and made available for inspection by the Police or officers of the Council upon request.
10. The DPS shall ensure that a written record of all staff authorised to sell alcohol is always kept on the premises and made available for inspection by the Police or officers of the Council upon request.

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11. All staff involved in the sale of alcohol shall receive training in underage sales, serving to persons in drink, drug awareness and how to deal with abusive and aggressive customers.
12. Staff refresher training shall take place on an annual basis and be recorded.
13. New staff shall receive induction training at the commencement of their employment at the premises, including drug awareness, underage sales training, and serving to persons in drink. This training shall be recorded.
14. Persons under the age of 18 years must always be accompanied and supervised by a responsible adult whilst they are on the premises. This includes all external areas and the customer car park.
15. Persons under the age of 18 years must not be permitted entry to the premises (including all external areas and customer car park) or permitted to remain on the premises after 21.00 hours.
16. The DPS shall ensure that documented security arrangements are implemented at the premises to discourage the sale and consumption of controlled substances. Security arrangements shall include having a member of staff regularly check toilet areas and external areas.
17. The date and times of all checks to be recorded in a bound book kept for that purpose and to be produced upon request to an authorised officer of the Licensing Authority or a constable.
18. The DPS shall ensure that a clearly visible notice will be placed on the premises within the toilets and external areas advising those attending that regular checks are being undertaken and that the Police will be informed if anyone is found in possession of controlled substances or weapons.
19. The DPS shall ensure that regular checks are carried out outside of the premises to ensure that the area is free from litter and nuisance behaviour associated with the operation of the business.
20. Save for access and egress the external areas of the premises including the car park must not be used after 23:00 hours Monday to Sunday and cleared of customers by 23:30 hours. Adequate notices shall be displayed to inform patrons of this requirement.
21. Customers shall not be permitted to take vessels containing alcoholic products into the premises, and no open vessels containing alcoholic products shall be allowed to be taken from the premises save for consumption in an external area provided for that purpose whilst the premises are conducting licensable activities.

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22. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity. No speakers for amplification of music shall be placed in any external area or on the outside of any building forming a part of the premises.
23. The DPS or other competent person shall carry out observations in the vicinity of closest residential property, on at least hourly intervals between 18:00 hours and 00:00 hours on Friday Saturday and Sunday, to establish whether there is a noise breakout from the premises whenever regulated entertainment is being provided at the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance. A record of such observations shall be kept in a book for that purpose.
24. A clear notice shall be displayed at every exit from the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.
25. The DPS shall ensure attendance at the local Pub Watch Scheme meeting on a regular basis by either the DPS or nominated representative.
26. The DPS shall undertake a regular risk assessment of the premises to determine whether door supervisors shall be required.
27. 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, for example a home football game or the advertising and promoting of a sporting event, a risk assessment shall be carried out by the DPS to determine whether door supervisors 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.
28. The DPS shall ensure there is adequate lighting in the external area and car park area of the premise.
29. The DPS shall appoint a designated member of staff to carry out regular checks of the outside area, to ensure all external lights are working.

It was noted that there was no Designated Premises Supervisor (DPS) named on the Premises Licence. The licence holder, Ei Group Limited, was aware that no alcohol may be sold at the premises until such time that a DPS was nominated. Ei had confirmed that the site was currently closed, secured and not trading.

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The Sub-Committee heard verbal representations from Mrs. Bedford and Mr. and Mrs. Greaves (objectors) who were in attendance as well as a written representations which included:-

- Anti-social behaviour in the car park including the use of it for drug transactions throughout the day. The open plan status of the car park enabled dealing to take place throughout the day even when the car park was closed
- Proximity of the pub to the local school with young children witnessing the detritus left behind from the activities that had taken place
- The lack of management by the previous licence holder
- Noise nuisance from the playing of loud amplified music resulting in residents who lived in direct proximity to the pub having to relocate to the back of their properties in an attempt to escape the noise
- Vehicles of all descriptions speeding down the road to and from the pub
- Need for a strong/experienced Designated Premises Supervisor to be appointed
- If the pub went back to being a family pub it would increase patronage
- The effect on residents' mental health
- The need for door supervisors

Councillor Ellis (in the capacity as Ward Member) and 2 other residents were in attendance also.

Mr. R. Taylor, solicitor representing Ei Group, addressed the concerns raised by the residents. Mr. P. Wright, Stonegate's Licensing Director, Mr. S. Scholey, proposed new DPS and Mr. P. Sharman, Stonegate/Ei Regional Manager, were also in attendance.

The Sub-Committee considered the application for the review 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:- (1) That, after due consideration of the application for review and the noting of the 29 management control conditions already agreed by the minor variation of the Premises Licence on 2<sup>nd</sup> November, 2022, no further action be taken.

(2) That noise limiter equipment be installed prior to any regulated entertainment taking place.