

Licensing Act 2003 - Hearing Procedure – Grant of a Premises Licence

1. The Chair of the Licensing Sub Committee will introduce the Committee and ask officers to introduce themselves.

The Chair of the Licensing Sub Committee will ask the following parties to introduce themselves:

- a) the applicant and any witnesses they wish to call.
- b) any person who has made representations and any witnesses they wish to call.

2. The Licensing Officer will introduce the report and provide any updates.

Note: Questions solely concerning the report can be asked by Members, the applicant and by persons making representations.

3. The Chair of the Licensing Sub Committee will then invite any person who has made representations to present their representations and call any witnesses

Note: Members of the Sub Committee, followed by the applicant may ask questions of persons who have made representations and their witnesses.

4. The Chair of the Licensing Sub Committee will then invite the applicant to present their application, respond to the representations, and call any witnesses

Note: Members of the Sub Committee, followed by any person who has made representations may ask questions of the applicant and their witnesses.

5. The licence holder will then be given the opportunity to sum up
6. The public hearing will then be concluded, and the Sub Committee will go into closed session, together with the Councils Solicitor and the Clerk to the meeting.
7. The decision of the Licensing Committee will be given in accordance with the requirements of the Licensing Act 2003 and regulations made thereunder.

Note:

At any time throughout the hearing Members of the Licensing Sub Committee may request legal advice from the Council's Solicitor. Any advice sought during closed session will be included in the notice setting out the decision.

The Committee Hearing will be held in public unless and in accordance with relevant Regulations the Licensing Sub Committee determine that the public should be excluded.

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – 9th April 2024 at 14:00 hours (2 pm)

Report Title

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) for the Grant of a Premises Licence in respect the premises to be known as La Sandy situated at 34 Kimberworth Road, Rotherham S61 1AE.

Report Author(s)

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene
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Report Summary

On the 13th March 2024, the Licensing Sub-Committee were scheduled to consider an application the grant of a premises licence was made by Mrs Denisa Mirela LINCA in respect of La Sandy, 34 Kimberworth Road, Rotherham, S61 1AE.

Shortly after the hearing commenced, it was decided that the hearing should be adjourned to allow the applicant sufficient time to carry out a further review the application and confirm that it correctly set out their requirements.

The original papers that were made available to the Sub-Committee on 13th March 2024 remain relevant to the adjourned meeting, however this addendum has been prepared to outline additional information that has become available since the publication of those papers.

Recommendations

1. That the Licensing Sub-Committee considers the information contained within this report (and associated appendices) along with any additional information presented at the hearing and subsequently determines the application that has been made.
2. The Licensing Sub-Committee should inform the Licensing Manager of the decision in accordance with the requirements of the Licensing Act 2003 and Regulations made thereunder.

List of Appendices Included

None.

Background Papers

Licensing Sub-Committee report issued in respect of the adjourned hearing on 13th March 2024

Rotherham MBC Statement of Licensing Policy 2020 -2025
(available at www.rotherham.gov.uk/licensing)

Revised guidance issued under section 182 of the Licensing Act 2003 (December 2023) available at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>)

Council Approval Required

No

Exempt from the Press and Public

No

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003 for the grant of a Premises Licence in respect of the premises to be known as La Sandy situated at 34 Kimberworth Road, Rotherham S61 1AE.

1. Background

- 1.1 On the 13th March 2024, the Licensing Sub-Committee were scheduled to consider an application the grant of a premises licence was made by Mrs Denisa Mirela LINCA in respect of La Sandy, 34 Kimberworth Road, Rotherham, S61 1AE.
- 1.2 Shortly after the hearing commenced, it was decided that the hearing should be adjourned to allow the applicant sufficient time to carry out a further review the application and confirm that it correctly set out their requirements.
- 1.3 Immediately following the adjournment the Licensing Officer met with the applicant, Mrs Denisa Mirela LINCA , and with the benefit of the Council employed interpreter, was able to establish that the application as submitted was correct and met her requirements.

2. Key Issues

Additional information for consideration

- 2.1 Further monitoring of the premises , whilst operating under a TEN, was carried out by the Environmental Health Service on 8th March 2024.
- 2.2 An Officer visited the premises at 19.13 hours and again at 21:48 hours. On both occasions the Officer witnessed live music emanating from the premises at a level that was loud and likely cause distress to residential properties in the area; and in breach of the Noise Abatement Notice served on 23rd February 2024.

3. Options available to the Licensing Sub-Committee

- 3.1 The options available to the Committee are detailed in the original report.

4. Timetable and Accountability for Implementing this Decision

- 4.1 As detailed in the original report.

5. Financial Implications

- 5.1 As detailed in the original report.

6. Legal Advice and Implications

6.1 As detailed in the original report.

7. Risks and Mitigation

7.1 As detailed in the original report.

8. Accountable Officer(s)

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene