

**LICENSING SUB-COMMITTEE**  
**23rd March, 2026**

Present:- Councillor Garnett (in the Chair); Councillors Bower and Brent.

Also present:-

Christopher Akers, Enforcement Officer, Community Protection Unit  
Oliver Ashton, Licensing Enforcement Officer, Licensing Service  
Diane Kraus, Principal Licensing Officer  
Alan Pogorzelec, Licensing Manager  
Katie Etheridge, Solicitor – Litigation, Legal Services  
Dawn Mitchell, Governance Advisor

Helen Clayton, Applicant  
Carl Clayton, Premises Owner  
Michelle Hazlewood, Solicitor, John Gaunt Solicitors  
Ellie Collins, John Gaunt Solicitors (Observer)  
Gail Hunt, Wigtox Bar Manager  
Claire Marshall, Wigtox Employee  
Geoff Arnold, Supporter  
Danny Carney, Supporter  
James Dean Lee, Supporter  
Lisa Selwood, Supporter  
James Traquar, Supporter

Carol Arnold, Supporter  
Brooke Bell, Supporter  
John Carney, Supporter  
Darrell Martin, Supporter  
Paul Selwood, Supporter  
Julie Traquar, Supporter

Micah Kean (Oppose)

Mr. and Mrs. Hodgetts (Oppose)

**35. 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 MRS  
HELEN CLAYTON, IN RESPECT OF THE PREMISES KNOWN AS  
WIGTOX LOUNGE SITUATED AT 33 SOUTH STREET, RAWMARSH,  
ROTHERHAM. S62 5RF**

Consideration was given to an application (made in accordance with Section 34 of the Licensing Act 2003) for the variation of the Premises Licence issued to Mrs. Helen Clayton in respect of the premises known as Wigtox Lounge, 33 South Street, Rawmarsh, Rotherham S62 5RF.

The applicant was seeking to vary the Premises Licence as to:-

- To extend the earliest hour to allow the sale of alcohol, playing of recorded music, the performance of dance and the exhibition of films on every day of the week to 9.00 a.m.  
(the start time currently authorised for the sale of alcohol, playing of recorded music and the performance of dance was 12.00 Noon with a start time of 10.00 a.m. for the exhibition of films)

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- Extend the latest authorised hour to allow the sale of alcohol, playing of recorded music, the performance of dance, the exhibition of films and the provision of late night refreshment on Friday and Saturday to 1.00 a.m. on the following day  
(the latest time currently authorised for the sale of alcohol, playing of recorded music, the performance of dance, the exhibition of films and the provision of late night refreshment on Friday and Saturday was 12.30 a.m. on the following day)
- Removal of conditions 1 and 2 of Annex 2 of the Premises Licence which restricted admission to the premises after 11.00 p.m.
- Removal of condition 29 of Annex 2 of the Premises Licence that prohibits the use of the roof top terrace and replace it with a condition that allows it to be used for the consumption of food and drink between 9.00 a.m. and 11.00 p.m. on every day of the week and for the purpose of smoking or vaping between 9.00 a.m. until the premises closes
- Include the first floor function room (accessed via the roof top terrace) as part of the area authorised for the provision of licensable activities
- Replace the premises layout plans at Annex 4 of the Premises Licence with the plans submitted with the variation application.

Mr. and Mrs. Clayton, business owners, Gail Hunt (Bar Manager) together with 13 supporters were present at the hearing. Michelle Hazlewood, Mr. and Mrs. Clayton's legal representative was also present.

Consultation on the application had been carried out in accordance with all statutory requirements and the Council procedure. During the consultation period representations had been received from 4 Responsible Authorities (Planning, Public Health, Licensing Authority and Community Protection Unit) and from Other Persons – 7 opposed to the variation application and 93 in support.

It was noted that no objections had been received from the Authority's Environmental Health Officer or South Yorkshire Police.

It was also noted that late the previous working day, the applicant had submitted an updated Noise Management Plan. This was not approved as yet as the Community Protection Unit had not had opportunity to review it as per the previous condition when the Licence was approved in August, 2025.

There were no representatives of the Planning Service or Public Health in attendance, therefore, the Sub-Committee would consider their written representations.

The Sub-Committee viewed Ring doorbell footage, video clips and audio recordings.

The Licensing Authority was opposed to the grant of the application as it believed that the proposed changes would have significant impacts on the following licensing objective:-

- The prevention of public nuisance

The applicant's representative addressed the Sub-Committee and explained the reasons for the variation application:-

- Mr. and Mrs. Clayton had engaged with the Local Authority, South Yorkshire Police and Environmental Health on site to explain their proposal for a variation of the Licence
- The business had evolved since its Licence had been approved in August 2025
- There were no representations from South Yorkshire Police
- There was no Cumulative Impact Area in Rawmarsh so the general position was to grant unless there was very clear evidence not to do so
- Mrs. Clayton, Designated Premises Supervisor, lived on South Street
- There were further opportunities within the building to extend
- There were no incidences recorded against the premises in relation to crime and no issues of the premises attracting street drinkers
- Although the premises were next to a school, there had been no objections received from the school
- There was no evidence to refuse the application on points (a), (b) and (c) of the proposed variation

#### Function Room

- The function room was part of the old Ryecroft Club located to the rear of the premises, almost a separate building, and it would only be the first floor of the function room as it was the intention to further develop the provision of housing on the ground floor. To the right of the function room was a bank of toilets, therefore, the potential for noise breakout through the windows on that side was minimal
- On the left hand facade there were 3 windows which would be sealed units irradicating the potential for breakout of noise. The works would also include insulation and a new roof effectively creating a sealed box

#### Roof Terrace

- To eliminate the potential for noise from the roof terrace, it was proposed to create an acoustic corridor in order to gain access to the first floor function room
- Work with Licensing Officers and Environmental Health had resulted in an extra proposed condition regarding an appropriately qualified consultant designing a scheme for the prevention of noise nuisance

from the roof top terrace and function room as well as self-closing door mechanisms which would mean that the potential for noise breakout was absolutely minimised

- The applicant would work with Environmental Health to refine the NMP in relation to the appropriate physical person monitoring the areas as they were built out
- There was no application to bring the rear car park into the licensed area which historically had been used as a beer garden space
- Independent specialist acoustic advice had been sought with regard to the roof terrace and mitigation of noise migration. Advice had included acoustic quality glass panelling, with no gaps, to a height of 1.8 m effectively creating an enclosed space, although outside, for people to use the roof terrace. The noise would be contained and have a decibel reduction mechanism of 30 db and minimised by 10 db. Following a meeting with Licensing and Environment Health it was agreed that the glazing would be obscured
- It was also proposed to install a fixed slatted pergola over the terrace to reduce upward sound propagation and limit sound diffraction beyond the perimeter screens
- In principle agreement with Licensing and Environmental Health that the roof terrace could be used until 9.00 p.m. for the consumption of alcohol/food
- It was believed that the ability to use the roof terrace for smoking and vaping purposes after 9.00 p.m. until close was a significant step forward in promoting the licensing objective of preventing public nuisance. A monitoring system for access to the area could be built into the NMP

#### Variation of Times

- Mitigation methods had been explored, the NMP updated and monitored the number of patrons leaving the premises. However, given that the premises was family orientated, it was felt that a noise manager would be more suitable than SIA
- Environmental Health had confirmed that when on site they had not witnessed noise that constituted a public nuisance. No late night observations had taken place and no noise monitoring equipment had been placed in homes of those persons that had alleged nuisance from dispersal noise, thereby relying on the evidence provided to those opposing the application

The Sub-Committee considered the supporting comments, both in person and written, which could be summarised as follows:-

- Occupant of property next door but one to the premises had never been disturbed by noise
- Occupant of property directly across from the premises had never heard anything and had no concerns at all
- There had always been a club and a school on South Street and there had never been a problem

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- The development could only contribute to the community
- There were not many community centres for children to go to. This was a breath of fresh air for the village
- The owners were community focussed with the venue being well run
- The terrace and function room had been in use previously
- It provided a safe and welcoming place for people to meet and managed in a respectful way
- It was a vibrant hub that brought the community together and offered something for everyone
- Support for the function room and terrace
- Very minimal traffic on South Street
- There had been an incident of 2 residents of South Street recording audio and video footage of the venue from close proximity. This had been logged by the Bar Manager
- South Street was the main route back into Rawmarsh – there was an alleyway – and people used it as a route from other licensed premises

Oliver Ashton, Licensing Enforcement Officer, cited the following concerns:-

- At present customers leaving the venue at 12.30 a.m. on Fridays and Saturdays caused significant noise disturbing local residents. This had been evidenced by work completed by the Environmental Health Teams. Extending this until 1.00 a.m. on Fridays and Saturdays would exacerbate the problem. The premise had only been open a short period of time and already evidenced problems emanating from the venue
- The condition restricting access to customers after 11.00 p.m. was in place to reduce the impact of noise nuisance to local residents. The removal of this condition was not suitable
- The use of the roof terrace was likely to cause a noise nuisance to residents that had windows and gardens facing the back and side of the premises. It was not a suitable area for outdoor consumption of food and drink or smoking as large groups congregating would likely cause a public nuisance to local residents
- The inclusion of the first floor function room, accessed via the roof top terrace, as part of the area authorised for the provision of licensable activities, would give rise to noise escape and the potential for public nuisance. Whilst the installation of an acoustic corridor to allow exit to and from the function room partway mitigated concerns, the effectiveness of the corridor could be undermined if doors to the function room or mezzanine level were propped open
- There were no objections to the extension of the earliest authorised hour to allow the sale of alcohol, playing of recorded music, performance of dance and the exhibition of films on every day of the week from 9.00 a.m.

The Community Protection Unit was opposed to the grant of the application as it believed that the proposed changes would have significant impact on the following licensing objective:-

- The prevention of public nuisance

Chris Akers, Enforcement Officer, cited the following concerns:-

- Receipt of a number of complaints regarding noise associated with persons leaving the premises late at night. Investigations had revealed a clear problem with this type of noise after 11.00 p.m.
- Concern that the premises did not appear to have taken effective action to address the noise despite the fact that there was a Noise Management Plan (NMP)
- The NMP stated that there be door staff managing patrons on Friday and Saturday nights, however, information received suggested that door staff were intermittent
- Officers had witnessed noise from music escaping from the premises when the doors were opened. Whilst it had not yet been identified as to whether it met the threshold for nuisance, it further raised concerns regarding the management of the premises
- Acknowledgement that an updated plan included a corridor between the mezzanine and the function room although it was not clear whether this alone would be sufficient to prevent a nuisance
- There was no objection to the request to extend the earliest authorised hour to allow the sale of alcohol, playing of recorded music, performance of dance and exhibition of films on every day of the week at 9.00 a.m.
- Acknowledgement that the audio clips were those submitted through the noise app and did not record the decibel level; it only gave an indication of what the occupant was experiencing in their own home. The clips would have been from what was heard in the rear of the house; the Ring doorbell gave you the noise level at the front of the house
- Environmental Health had been out in the vicinity the weekend of 21st/22nd March and levels of noise heard that would be classed as unreasonable

Alan Pogorzelec, Licensing Manager, cited the following concerns:-

- Acknowledgement that the applicant had engaged with the Local Authority and South Yorkshire Police and discussed ways they could develop the business. The applicant had been encouraged to allow the business a period of time to operate in a way that did not present any concerns to the local residents given the licence had only been granted in August 2025
- South Yorkshire Police had not made any representations but it was not reasonable to assume that they did not have issues with anti-social behaviour

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- Evidence had been seen at the meeting of the noise experienced. The expert in noise had raised concerns about the level that could be heard
- The resident did not have automatic gain control (Ring doorbell) and the evidence presented was based on what she had heard
- Licensing was not objecting to the premises itself; it was the enhancement of the licensing hours and changes. These changes would not affect the school
- The premises had changed from what was originally submitted last year. It was to be a lounge not a bar/club/pub which it had become
- First floor function noise concerns may be mitigated by the acoustic corridor but confirmation was needed of the NMP
- It was proposed that acoustic glass be used on the roof terrace and the addition of a roof. However, it was not known if the installation of a roof was allowed under Smoke Control Legislation until a firm proposal was seen
- Incidental music/live or recorded music played at certain times did not fall within the definition of regulated entertainment so any condition the Sub-Committee may wish to apply to any area in relation to live or recorded music prior to 11.00 p.m. would not take effect. Any area that was licensed allowed the playing of music to whatever level of music they wished subject to the generic national Noise Control Requirements
- There was not the detail to sufficiently mitigate the Licensing Authority's concerns

The Sub-Committee considered the objectors' comments, both in person and written, which could be summarised as follows:-

- Residents were already frustrated, distressed and exhausted by the business; further approvals would increase complaints, enforcement intervention and community tension
- Failure to meet planning conditions
- Licensing non-compliance e.g. allowing customers inside after 11.00 p.m., an underage person working behind the bar and holding lock-ins past authorised closing times
- Noise, behaviour and language of patrons
- Dangerous and inconsiderate parking
- Inappropriate alcohol sales near a school
- Privacy violations
- Noise nuisance
- Lack of privacy from the proposed use of the terrace for the occupants of the bungalows
- Increased footfall

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 public nuisance.

Resolved:- (1) That the variation of the Premises Licence in respect of Wigtox Lounge, 33 South Street, Rawmarsh, Rotherham S62 5RF be approved as follows:-

(1) That the earliest hour to allow the sale of alcohol, playing of recorded music, the performance of dance and the exhibition of films on every day of the week be extended to 9.00 a.m.

(2) That the latest authorised hour to allow the sale of alcohol, playing of recorded music, the performance of dance, the exhibition of films and the provision of late night refreshment on Friday and Saturday be extended to 1.00 a.m. on the following day.

(3) That conditions 1 and 2 of Annex 2 of the Premises Licence which restricted admission to the premises after 11.00 p.m. be removed and a further condition imposed:-

“After 11.00 p.m. on Fridays and Saturdays, suitably qualified door staff (e.g. SIA or equivalent) or a suitable alternative (e.g. a designated noise manager from the premises) will be present at the premises to minimise noise from the dispersal of patrons in accordance with the approved Noise Management Plan.”

(4) That condition 29 of Annex 2 of the Premises Licence that prohibits the use of the roof top terrace be replaced with:-

“Customers shall be permitted to use the rooftop terrace for the consumption of alcohol, food and non-alcoholic drinks from the premises opening time until 9:00 p.m. However, customers will be permitted to use this patio to smoke until the premises closes. The area to the rear of the premises (car park), shall not be used for any of these purposes at any time.”

(5) That the rooftop terrace shall not be brought into use until an appropriately qualified consultant has designed a scheme for the prevention of noise nuisance from these areas and the works identified have been implemented in full. The scheme should be submitted for the written agreement of the Licensing Authority, in consultation with the Community Protection Unit, before the works commence.

(6) That the first floor function room (accessed via the roof top terrace) be included as part of the area authorised for the provision of licensable activities subject to the following conditions:-

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(a) That the function room shall not be brought into use until an appropriately qualified consultant has designed a scheme for the prevention of noise nuisance from these areas and the works identified have been implemented in full. The scheme should be submitted for the written agreement of the Licensing Authority, in consultation with the Community Protection Unit, before the works commence.

(b) That the access and egress doors to the function room, including the mezzanine level, to be fitted with self-closing devices on the doors to mitigate noise breakouts.

(c) The access and egress doors to the function room, including the mezzanine level, are not to be propped open at any time during operational hours

(7) That the premises layout plans at Annex 4 of the Premises Licence be replaced with the plans submitted with the variation application.