

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

1. The Chairperson of the Licensing Sub Committee will introduce the Committee members and ask officers to introduce themselves.
2. The Chairperson will then ask the following parties to introduce themselves:
  - a. the applicant, any person representing them and any witnesses they wish to call.
  - b. any person who has made representations, any person representing them and any witnesses they wish to call.
3. The Chairperson will then ask the Licensing Officer to introduce the report and provide any updates.
  - a. Questions to the Licensing Officer may be asked, **solely concerning the report**, by Members, the applicant and by persons making representations.
4. The Chairperson will then invite:
  - a. **any person who has made representations** to present their representations and call any witnesses they may have.

**Note:** Members of the Sub Committee, followed by the applicant may ask questions of all persons who have make representations to the hearing and their witnesses.
  - b. **the applicant** to present their application, respond to the representations, and call any witnesses they may have.

**Note:** Members of the Sub Committee, followed by any person who has made representations at the hearing may ask questions of the applicant and their witnesses.
5. **The applicant will then be given the opportunity to sum up**
6. The public hearing will then be concluded, and Members of 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 – 14<sup>th</sup> July 2026 at 10:00 hours (10am).

### **Report Title**

Consideration of an application (made in accordance with s.17 of the Licensing Act 2003) by SME Environmental Holdings Ltd for the grant of a Premises Licence in respect of an Outdoor Event Space situated at Bassingthorpe Lane, Rotherham S61 4QW.

### **Report Author(s)**

Diane Kraus, Principal Licensing Officer, Community Safety and Street Scene  
Tel: 01709 289536.

### **Report Summary**

On 20<sup>th</sup> May 2026 an application for the grant of a Premises Licence was made by SME Environmental Holdings Ltd in respect of an Outdoor Event Space situated at Bassingthorpe Lane, Rotherham S61 4QW.

The applicant, is seeking authorisation to allow the:

- Sale of Alcohol, for consumption on the premises;
- Regulated Entertainment by way of the provision of live & recorded music, the performance of plays & dance and the exhibition of films; and
- Provision of Late Night Refreshment.

The application seeks permission to provide licensable activities between May and September on no more than 16 occasions between the hours of 11am and 12 midnight. An “occasion” could fall on any day of the week.

Representations, opposed to the grant of the application, have been received from two Responsible Authorities, two local councillors and twenty five “Other Persons”.

One representation in support of the application has also been received from an “Other Person”.

Further detail of the representation is provided within the main body of the report.

## **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**

|            |                                                                 |
|------------|-----------------------------------------------------------------|
| Appendix 1 | Application                                                     |
| Appendix 2 | Site and Location Plans                                         |
| Appendix 3 | Representation from Responsible Authorities - Opposed           |
| Appendix 4 | Representations from ward councillors & Other Persons - Opposed |
| Appendix 5 | Representation from Other Person – Support                      |
| Appendix 6 | Supporting Information from Applicant                           |

## **Background Papers**

Rotherham MBC Statement of Licensing Policy 2025 -2030  
(available at [www.rotherham.gov.uk/licensing](http://www.rotherham.gov.uk/licensing))

Revised guidance issued under section 182 of the Licensing Act 2003 (November 2025) 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) by SME Environmental Holdings Ltd for the grant of a Premises Licence in respect of an Outdoor Event Space situated at Bassingthorpe Lane, Rotherham S61 4QW.**

**1. Background**

1.1 The premises are not currently licensed under the Licensing Act 2003.

**2. Key Issues**

2.1 On the 20<sup>th</sup> May 2026 an application for the grant of a Premises Licence was made by SME Environmental Holdings Ltd in respect of an Outdoor Event Space situated at Bassingthorpe Lane, Rotherham S61 4QW.

The Applicant

2.2 A search of Company House records, carried out on 3<sup>rd</sup> July 2026, states that the applicant Company, SME Environmental Holdings Ltd, has two directors, Mr Mark Vincent MCGRAIL and Mrs Ruth Joanna MCGRAIL.

The Application

2.3 A copy of the application form is attached at **Appendix 1**.

2.4 The Location and site plans that accompanied the application are attached at **Appendix 2**.

2.5 The application seeks to allow, on no more than 16 occasion between May and September, the:

- Sale of Alcohol, for consumption on the premises;
- Regulated Entertainment by way of the provision of live & recorded music, the performance of plays & dance and the exhibition of films; and
- Provision of Late Night Refreshment.

2.6 The hours sought in the application for the:

- sale of alcohol and the provision of regulated entertainment are between 11am and 12 midnight; and
- provision of late night refreshment between 11pm and 12 midnight.

2.7 The requested 16 occasions could fall on any day of the week.

2.8 The application indicates that the event space would be open to the public between 10am and 1am on the following day.

2.9 The person named in the application as the Designated Premises Supervisor (DPS) is Mr Mark Vincent MCGRAIL.

2.10 The description of the outdoor event space, as provided in the application, is as follows:

**An outdoor event space sited within a 7 acre mixed use plot, which will be used to facilitate camping and glamping and outdoor sports ( football, tennis and paddle tennis etc), all of which will operate independently.**

**The application is made solely in respect of the outdoor event space as identified on the attached plan.**

**There is currently 6 x w/c, together with 1x disable w/c, per mentally located within the event space, all of which are plumbed directly into the main sewerage system. it is accepted that for large events additional w/c provision will be required and this will be determined on an event by event basis.**

**The event space, which is approximately 6 acres in size, can be accessed directly from Bassingthorpe Road. To the front of the site there will be dedicated parking provision for approximately 200 cars.**

**Whilst there is s only be a single entrance/exit to the site, this entrance/exit will be approximately 15 meters wide, and therefore able to accommodate any emergency vehicle that may need access.**

**The event space will only be used between 1<sup>st</sup> May and 30<sup>th</sup> September on no more than 16 occasions. The maximum number of people attending a large event would be 3000.**

#### **Core Offerings**

- **Outdoor live music events and festivals**
- **Outdoor cinema screenings**
- **Outdoor plays**
- **Corporate events**

#### **Long-Term Potential**

**The venue has the potential to become a recognized regional events hub, attracting visitors from across South Yorkshire and beyond, while also supporting local businesses, artists, and communities.**

2.11 The management controls offered by the applicant company and set out in in section M of the application form are:

- a) **Robust polices will be in place to ensure safe, responsible and well controlled events.**
- b) **All events will be pre-planned with appropriate risk assessments, staffing levels and management procedures proportionate to the scale and nature of the event.**
- c) **A designated event manager will be responsible for ensuring compliance with licensing conditions and the four licensing objectives at all times**
- d) **SIA licensed security staff will be deployed at all events where appropriate, with numbers determined by risk assessment.**
- e) **Controlled entry & exit points, including bag checks where necessary.**

- f) CCTV (temporary or permanent depending on event requirements) will be installed covering key areas such as entrances, bars and high footfall zones.
- g) A challenge 25 age verification will be implemented for alcohol sales.
- h) Incident and refusal logs will be maintained and made available to authorities upon request.
- i) Close liaison will be maintained with South Yorkshire Police prior to and during events where appropriate.
- j) Comprehensive event specific risk assessments will be carried out for each event.
- k) A written Event Management Plan (EMP) will be prepared for large events, including crowd management, emergency procedures and contingency planning.
- l) Qualified first aid provision will be available on site at all times.
- m) Adequate stewarding will be provided to manage crowd movement and ensure safe access/egress.
- n) All temporary structures, staging and electrical installations will comply with relevant safety standards.
- o) Clear emergency access routes will be maintained at all times for fire, ambulance and police services.
- p) Events will be limited to the stated period ( 1 May – 30 September) and no more than 16 occasions per year.
- q) Noise levels will be monitored and controlled, with speakers positioned and directed away from nearby sensitive receptors where possible.
- r) A noise management plan will be implemented for larger events, including real time monitoring if required.
- s) Event finishing times will be strictly adhered to, with gradual dispersal strategies implemented.
- t) Adequate waste management and litter collection arrangements will be in place during and after events.
- u) A contact number for local residents will be available during events to address any concerns promptly.
- v) Children will be required to be accompanied by a responsible adult at appropriate events.

- w) Clear event specific policies will be define whether events are family friendly or restricted to adults.
- x) Security and staff will monitor for safeguarding concerns and escalate where necessary.
- y) No adult entertainment or activities for children will be permitted.

#### Consultation

- 2.12 Consultation on the application has been carried out in accordance with all statutory requirements and the Council's procedure. There is a prescribed period of 28 days following the submission of an application during which time representations in relation to the application may be submitted.
- 2.13 At the end of the consultation period representations, twenty nine representations opposed to the grant of the application, had been received, together with a single representation in support.

#### Representations Opposed - Responsible Authorities

- 2.14 Two of the Responsible Authorities, namely South Yorkshire Police and the Council's Community Protection Unit, have made representations opposed to the application, the detail of which is at **Appendix 3**.

#### Representations Opposed - Ward Councillors & Other Persons

- 2.15 A copy of the representation received from the two ward councillors and twenty five Other Persons, all of whom are opposed to the application, is attached at **Appendix 4**.

#### Representations In Support – Other Person

- 2.16 A copy of the representation received an Other Persons in support of the application is attached at **Appendix 5**.

#### Additional Information provided by Applicant

- 2.17 The additional information provided by the applicant company in support of their application is attached at **Appendix 6**.

#### The Hearing

- 2.18 The applicant, relevant Responsible Authorities, ward councillors and "Other Persons" have been invited to the hearing today. All parties attending, will be given the opportunity to address the Sub-Committee in relation to the matters raised in the application and the representations they have made to it.

- 2.19 Members of the Sub-Committee should give full consideration of application submitted and the and representations to it, together any supporting evidence provided by any party prior to the date of the hearing. Documentary evidence provided on the day of the hearing should only be considered with the consent

### **3. For Information Only**

- 3.1 The response from the Council's Planning Service to the application is provided for information only; and should not form any part of the Sub Committee's deliberations.

#### Official response from Planning Service:

- 3.2 Planning permission will be required if they exceed the 28 day limit in respect of temporary uses of land (as set out in the Town and Country Planning -General Permitted Development Order, 2015 as amended. The application states 16 events between May and September, I note on page 16 that they indicate that it will be open to the public until 1am, that could mean each event covers two days, so 16 events covers 32 days, exceeding the 28.
- 3.3 The plans attached at the end of the document show a café/pavilion, which are buildings that will need permission in their own right, unless they are portable. The plans also indicate a lot of recreational uses at the rear such as a driving range, which will also need permission (I don't think these are included within the proposed events site, but are within the red edge boundary submitted which should be reduced in size accordingly) . The plan shows a large parking area (110 spaces) which if properly surfaced will need planning permission, and a vehicular access – this appears to have been provided on site, looking at Streetview images, approximately 4 years ago any enforcement action.

### **4. Options available to the Licensing Sub-Committee**

- 4.1 A licensing authority must carry out its functions under the Licensing Act with a view to promoting the licensing objectives:
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm
- 4.2 In considering this matter, the Sub-Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be. In reaching the decision, regard must also

be had to relevant provisions of the national guidance and the Council's licensing policy statement. In relation to this application, the options available to the Sub-Committee are:

- To grant the licence subject to the conditions consistent with the operating schedule accompanying the application, which the Sub-Committee may modify to such extent as they consider appropriate; or
- To reject the whole or part of the application (which may include the omission of certain licensable activities from the licence and / or the refusal to specify a particular individual as the Designated Premises Supervisor).

- 4.3 The statutory guidance makes it clear that Licensing Authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 4.4 The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 4.5 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require the Sub-Committee to decide that no lesser step will achieve the aim, the Sub-Committee should aim to consider the potential burden that the condition would impose on the applicant/premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the Sub-Committee ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the licensing objectives and nothing outside those parameters. The Sub-Committee may consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business (if appropriate).
- 4.6 The Sub-Committee is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination. Conditions may be placed on the licence (if granted) and further information in relation to conditions is provided later in this report.

- 4.7 All licensing determinations should be considered on the individual merits of the application. The Sub-Committee's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve. Findings on any issues of fact should be on the balance of probability.
- 4.8 It is important that the Sub-Committee give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal.

#### Conditions

- 4.9 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.
- 4.10 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

#### Proposed conditions

- 4.11 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence holder, which they should carry out before making their application for a premises licence. This would be translated into the steps recorded in the operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.
- 4.12 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

#### Consistency with steps described in operating schedule

- 4.13 The 2003 Act provides that where an operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 4.14 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder must be clear to the licence holder, enforcement officers and the courts.

#### Imposed conditions

- 4.15 The Sub-Committee may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises.
- 4.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

#### Proportionality

- 4.17 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Any decision made by the Licensing Sub-Committee does not have effect until:
- the end of the period given for appealing against the decision; or
  - if the decision is appealed, until the appeal is disposed of.
- 5.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.
- 5.3 Parties to the hearing must be informed of the decision within 5 working days of the hearing (or within 5 working days from the last day of the hearing if it takes place over multiple days).

## **6. Financial Implications**

- 6.1 There are no specific financial implications arising from this application.
- 6.2 However, additional costs may be incurred should the matter go to appeal. In such an eventuality it may not be possible to recover all of the costs incurred. The impact of these additional costs (if any) will therefore need to be met from within existing revenue budgets.

## **7. Legal Advice and Implications**

- 7.1 A Council Solicitor will be in attendance at the hearing to provide appropriate legal advice to the Licensing Sub-Committee in relation to specific aspects of the application / hearing, however the advice below is generally applicable to all applications.
- 7.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.
- 7.3 In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.
- 7.4 The Sub-Committee may accept hearsay evidence, and it will be a matter for the Sub-Committee to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.

- 7.5 The Secretary of State's guidance to the Licensing Act 2003 is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment, and proportionality.
- 7.6 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. The guidance is therefore binding on all licensing authorities to that extent. However, the guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this guidance, they may depart from it if they have good reason to do so and can provide full reasons.
- 7.7 In addition to the above, members are reminded that all decisions must be taken in accordance with the Council's Statement of Licensing Policy (adopted 3<sup>rd</sup> June 2020).
- 7.8 Departure from the guidance and / or Statement of Licensing Policy could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

## **8. Risks and Mitigation**

- 8.1 The statutory requirements in relation to the consideration of this application are detailed in this report. It is essential that the Sub-Committee act in accordance with these statutory provisions and take account of statutory guidance.
- 8.2 Failure to do this exposes the Council to significant risk of legal challenge, the consequences of which could result in financial and / or reputational damage to the Council.
- 8.3 Members are therefore urged to fully consider the information in this report when making a decision regarding this application, and to ensure that any decision made is justifiable, proportionate and based on the promotion of one or more of the Licensing Objectives.

- 8.4 Council officers are present at the meeting today and can provide additional advice to members of the Sub-Committee should this be required. In addition, a copy of the statutory guidance and Statement of Licensing Policy is available for members to review should they wish to do so.

**9. Accountable Officer(s)**

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