

Committee Name and Date of Committee Meeting

Licensing Sub-Committee – Tuesday, 15th September 2026 at 14:00 hours (2pm).

Report Title

Consideration of an application, as amended, (made in accordance with s.17 of the Licensing Act 2003) by Hotels and Resorts Ltd for the grant of a Premises Licence in respect of premises known as the Carlton Park Hotel situated at 102–104 Moorgate, Rotherham S60 2BG.

Report Author(s)

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Report Summary

In May 2026, an application for the grant of a Premises Licence was made by Hotels and Resorts Ltd in respect of the Carlton Park Hotel, 102–104 Moorgate, Rotherham S60 2BG. However, in August 2026 this application was amended so as to reduce the requested hours and remove the request to allow the performance of plays and dance and indoor sports.

The applicant, as amended, is seeking authorisation to allow, on every day of the week the between 10am and 12 midnight the:

- Sale of Alcohol, for consumption on and off the premises
- Provision of Live Music and Recorded Music (indoors); and
- Provision of Late-Night Refreshment (indoors)

In addition, consent is sought to extend the latest authorised hour for the provision of licensable activities by one hour on:

- The Friday, Saturday, Sunday and Monday of the Easter, Spring, Whitsun & August Bank Holiday weekends; and
- Maundy Thursday, Christmas Eve and Boxing Day; and.

And on New Year's Eve to the start of permitted hours on New Year's Day (24-hour opening).

Representations, opposed to the grant of the application, have been received from one Responsible Authority and thirty-seven “Other Persons,” one of whom is the local ward councillor.

Further detail of the application, as amended, and representations received to it, 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 Location Plan
- Appendix 2 Initial Application – for information only
- Appendix 3 Premises Layout Plan
- Appendix 4 Response from Applicant to Representations
- Appendix 5 Representation from Licensing Authority and Other Persons

Background Papers

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

Revised guidance issued under section 182 of the Licensing Act 2003 (February 2026) 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, as amended, (made in accordance with s.17 of the Licensing Act 2003) by Hotels and Resorts Ltd for the grant of a Premises Licence in respect of premises known as the Carlton Park Hotel situated at 102–104 Moorgate, Rotherham S60 2BG.

1. Background

- 1.1 The applicant premises were previously licensed under the Licensing Act 2003 for the provision of licensable activities on every day of the week between 10.30 am and 2am on the following day, with reduced hours on Good Friday and Christmas Day. This Licence was transferred to the Council from the Magistrates Court in November 2005 and remained in force until May 2024, when it was surrendered.
- 1.2 A location plan, together with street view pictures of the applicant premises, is attached at **Appendix 1**.

2. Key Issues

- 2.1 In May 2026, an application for the grant of a Premises Licence was made by Hotels and Resorts Ltd in respect of The Carlton Park Hotel, 102–104 Moorgate, Rotherham S60 2BG.
- 2.2 In summary, this application sought consent to allow licensable activities on Sunday to Thursday between 8am and 12 midnight and on Friday and Saturday between 8am and 1am on the following day. It also sought an unlimited extension of hours to 4am in the morning.
- 2.3 A copy of the initial application is attached at **Appendix 2**. However, this is provided for information only as during the conciliation process the application was amended. Full detail of the amended application is set out in section 2.9 below.

The Applicant

- 2.4 A search of Company House records, carried out on 27th July 2026, showed that the applicant Company, Hotels and Resorts Ltd, has a single director, Mr Wali MUHAMMAD.

Consultation

- 2.5 Consultation on the initial 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.
- 2.6 At the end of the consultation period representations opposed to the grant of the application had been received from one Responsible Authority and thirty-seven "Other Persons," one of whom is the local ward councillor. Further detail of the representations is set out in sections 2.13 to 2.15 below.

Conciliation

- 2.7 The applicant Company was provided with the detail of the representations and, in response, made amendments to the application so as to reduce the requested hours and remove the request to allow the performance of plays and dance and indoor sports. At the same time an updated premises layout plan was attached, a copy of which is attached at **Appendix 3**.
- 2.8 In addition, during the conciliation process the applicant Company confirmed the offered management control conditions and provided additional information for the benefit of the Responsible Authority and “Other Persons” who had made representations to the initial application. A copy of the information provided by the applicant Company is attached at **Appendix 4**.

Application under consideration

- 2.9 The application, as amended, is seeking consent to allow the:
- **Sale of alcohol, for consumption on and off the premises; and the provision of Live and Recorded (indoors):**
 - on every day of the week between 10am and 12 midnight; and
 - **Provision of late night refreshment (indoors):**
 - on every day of the week between 11pm and 12 midnight.
 - **Extend permitted hours by an additional one hour, that is from 12 midnight to 1am on the day following days:**
 - The Friday, Saturday, Sunday and Monday of the Easter, Spring, Whitsun & August Bank Holiday weekends; and
 - Maundy Thursday, Christmas Eve; and Boxing Day.
 - **Extend permitted hours on New Year's Eve to:**
 - the start of permitted hours on New Year's Day (24-hour opening).
- 2.10 The person named in the application as the Designated Premises Supervisor (DPS) remains as stated in the initial application, that is Mr David John RITTENBERG, who holds a Personal Licence issued by Lancaster City Council.
- 2.11 The description of the premises, as provided in the initial application, is:
- “Carlton Park Hotel is a hotel premises operating with guest rooms providing accommodation to guests. The premises include guest accommodation rooms and a function space suitable for private events, entertainment, and social functions”.*
- 2.12 During the conciliation process it has been confirmed by the applicant Company that the following management controls are offered, all of which would be made a condition of any Licence that may be granted:

1. A Challenge 25 Policy shall be operated. This Policy shall require any person who appears to be under the age of 25 to provide ID prior to being served alcohol. Acceptable forms of ID are:
 - a) a passport;
 - b) a UK photo driving licence; or
 - c) a military ID card.
2. All challenges made under the Challenge 25 Policy shall be logged in a bound book. This log must show:
 - a) date of the challenge was made;
 - b) member of staff who made the challenge;
 - c) if allowed, the type of id accepted; and
 - d) if refused, whether fake ID was seized.
3. Signs shall be displayed inside the premises that advertise that the premises operates "Challenge 25".
4. A bound incident book shall be maintained, in which the following shall be recorded:
 - a) All incidents of crime and disorder occurring at the premises; and
 - b) Details of when the Police are called.
5. The Challenge 25 log and the incident book shall be kept on the premises. Such records shall be retained for a minimum of 12 months and shall be available for inspection upon request by the Police or an authorised officer of the Licensing Authority.
6. The DPS, or their nominated deputy, shall check the Challenge 25 log and the incident book at least once a week, and sign and date each check.
7. The CCTV system installed at the premises, shall:
 - a) be maintained fully operational at all times;
 - b) make and retain clear images; and
 - c) show an accurate date and time that the images were made.

Note: CCTV systems installed after 2021 should be full digital systems with wide dynamic range IP cameras (WDR).

8. All CCTV images shall be retained for a period of not less than 30 days.
9. CCTV images shall immediately be available for review upon request of the Police or an authorised officer of the Licensing Authority.; and if requested a copy of a CCTV image provided within 24 hours.
10. A member of staff who is trained on the operation of CCTV system, and able to review CCTV images if requested, shall be on duty at all times.

11. The CCTV footage will be controlled and kept in a secure environment to prevent tampering or unauthorised viewing. A record will be kept of who has access to the system, and if accessed. the reason why.
12. There shall be a zero-drug tolerance policy in operation at the premises, which shall include the requirement that regular checks are carried out by management to prevent the use of drugs by patrons; and that such checks are recorded. A copy of the premises drugs policy, and associated records, shall kept at the premises and made available to the Police or an authorised officer of the Licensing Authority upon request.
13. The use of door supervisors at the premises shall be risk assessed on an event-by-event basis. A written record of all risk assessment be kept at the premises site for 6 months and made available to the Police or an Officer of the Licensing Authority upon request. SIA registered door supervisors shall be employed at large weddings, significant sporting events and other events expected to attract substantial attendance.
14. A risk assessment on the use of plastic/polycarbonate drinking vessels shall be undertaken for large wedding, significant sporting events and other events expected to attract substantial attendance. Where identified in this assessment as necessary, plastic/polycarbonate drinking vessels shall be used at the wedding/event.
15. The premises shall operate in accordance with the “ask Angela scheme”; and notices to this effect shall be displayed.
16. Notices shall be displayed at the premises exits asking customer’s, “To please leave the premises quietly, with due regard to local residents.”
17. No adult entertainment or services shall be provided at the premises.
18. Children shall be supervised by a responsible adult at all times within the licensed area of the hotel.
19. The premises car park shall be controlled through an ANPR camera parking-management system.
20. After a large wedding, significant sporting event or other events that had a substantial number of attendees, staff will carry out a perimeter inspection of the hotel grounds, car parks and areas immediately surrounding the premises and any litter associated with the operation of the premises will be collected and properly disposed of.

21. The DPS, or their deputy, shall routinely attend meetings of any Pubwatch that operates in the area.
22. A record of each member of staff who is authorised to sell alcohol shall be kept on the premises. This record shall include the staff members full name, address, and date of birth.
23. All staff shall receive training on induction and year thereafter, on:
 - a) operation of the 'Challenge 25' Policy, including types of acceptable ID and fake ID, and the method of recording challenges;
 - b) refusing sales of alcohol to persons who appear to be drunk;
 - c) preventing proxy sales;
 - d) incident recording and when to call the Police;
 - e) operation of the "ask Angela Scheme";
 - f) the premises drugs policy; and
 - g) safeguarding children and vulnerable adults, including how to report and action any concerns they any have.
24. Staff training shall be recorded, records shall be kept of the premises and shall, on request, be made available for inspection by the Police or an authorised officer of the Licensing Authority.

Representations Opposed

- 2.13 Representations objecting to the initial application were received from:
- The Licensing Authority, in their role as a Responsible Authority; and
 - Thirty-seven (37) Other Persons, which includes the local ward councillor.
- 2.14 All parties who made representations to the initial application were made aware of the amendments to the application and offered management control conditions and provided with the additional information supplied by the applicant Company during the conciliation process.
- 2.15 However, conciliation failed to result in the withdrawal of any of the representations. The detail of the representations, all of which are continuing to be made to the amended application, is attached at **Appendix 5**.

The Hearing

- 2.16 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.
- 2.17 Members of the Sub-Committee should give full consideration of application submitted and the representations to it, together with 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. Options available to the Licensing Sub-Committee

3.1 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

3.2 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).

3.3 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.

3.4 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.

3.5 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).

- 3.6 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.
- 3.7 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.
- 3.8 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

- 3.9 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.
- 3.10 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

- 3.11 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.

- 3.12 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.

- 3.13 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.

- 3.14 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

- 3.15 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.
- 3.16 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 3.17 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.

4. Timetable and Accountability for Implementing this Decision

4.1 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.

4.2 An appeal may be lodged by either the applicant or a party to the hearing that has made a relevant representation.

4.3 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).

5. Financial Implications

5.1 There are no specific financial implications arising from this application.

5.2 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.

6. Legal Advice and Implications

6.1 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.

6.2 Hearings under the Licensing Act 2003 operate under the Licensing Act 2003 (Hearings) Regulations 2005.

6.3 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.

- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 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 3rd June 2020).
- 6.8 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.

7. Risks and Mitigation

- 7.1 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.
- 7.2 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.
- 7.3 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.

- 7.4 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.

8. Accountable Officer(s)

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

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

1. The Chairperson of the Licensing Sub Committee **will introduce themselves and the other Members** of the Committee and then ask **the following parties to introduce themselves**:
 - Officers of the Council;
 - The Applicant, any person representing them and any witnesses they want to call.
 - Persons who have made representations, any person representing them and any witnesses they want to call
2. The Chairperson will then **ask the Licensing Officer to introduce the report** and provide any updates. Questions to the Licensing Officer may be asked, **solely concerning the report**, by;
 - Members,
 - The Applicant; and
 - Persons making representations.
3. The Chairperson will then invite the **applicant to introduce their application and call any witnesses they may have**. Questions to the Applicant **regarding their application** may be asked by:
 - Members; and
 - Persons making representations.
4. The Chairperson will then invite the **persons making representations to address the Sub Committee and call any witnesses they may have**. Questions to the person making representations may be asked by:
 - Members; and
 - The Applicant.
5. The Chairperson will then invite the **Applicant if they wish to sum up their application**
 - a. The Chairperson **will then advise** that:
 - The public hearing is now concluded;
 - That Members of the Sub Committee will go into closed session, together with the Councils Solicitor and the Clerk to the meeting; and
 - All parties will be informed of the decision of the Licensing Committee 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.