

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 16 DECEMBER 2014 AT 9.00 AM

Present

Councillor R Williams – Mayor and Chairperson

B Jones

JE Lewis

Officers:

Katia Daw

Lawyer

Rachel Morris

Yvonne Witchell

Licensing & Registration Manager

468. APOLOGIES FOR ABSENCE

None

469. DECLARATIONS OF INTEREST

None

470. APPLICATION FOR PREMISES LICENCE

The Licensing and Registration Officer referred to a report together with attached Appendices that were before Members in relation to the above application.

She advised the Sub-Committee that she was aware that since the papers had been distributed with the agenda, the application had been substantially amended and that she was also aware that the Responsible Authorities who had objected to this, may now be in agreement with the revised application. She asked Members also to note, that a member of the public had made an objection to the application which had not been withdrawn.

The amended application which included further Conditions and revised timings of the opening of the premises compared to the original application was tabled at the meeting.

The Chairperson asked each of the representatives of the Responsible Authorities if they were happy with the terms of the amended application, and they each confirmed in turn that they were, and that they would now withdraw their objections to the application as were detailed in Appendices B, and C of the report.

The Licensing and Registration Officer referred Members to Appendix D of the report and an objection to the application received from the resident of 6A Well Street, Porthcawl.

The reasons for their objection was that Well Street was a residential area as well as a business location and that the proposed extra licensing hours would severely interrupt residents late at night through the premises providing entertainment. Currently, it was

added, music was being played loud, and chairs and tables were being place on the pavement with customers occupying this space and drinking and smoking.

The Licensing and Registration Officer added that, notwithstanding the fact that the application had since been amended and the objector had been advised of this, the objection had not been withdrawn.

The Solicitor for the applicant advised that this was the only letter of objection to the application that had been received, during the statutory period for the submission and receipt of objections and/or representations to this.

He acknowledged the fact that Well Street was residential, but mostly this was on upper floors of developments, whereas most of the commercial type development was situate on the ground floor of buildings.

The Solicitor added that the objector referred to the playing of loud music at some commercial premises as well as tables and chairs being place outside some commercial premises where the paying public could eat and drink. The important issue to note however, was this currently existed at some premises in Well Street, and that there was no intention of his client to provide tables and chairs for customers outside the premises.

He felt therefore that the objector in his letter may have mistaken his clients premises for other existing premises nearby, for example, the likes of Sidoli's café. No noise either was emanating from his client's premises, and even if it were, the Conditions contained in the amended application would ensure that this did not occur.

In summary therefore, the Solicitor concluded that the complaint had been made in respect of the wrong establishment; even if it hadn't, the further Conditions agreed upon would address the objector's concerns, and this had been the only objection received, now that the statutory bodies had withdrawn theirs.

A Member pointed out if the Conditions would extend to the Courtyard situate at the rear of the café.

The Solicitor confirmed that concerns in respect of the Courtyard area of the premises had been raised by the statutory bodies, but these concerns had been taken on board, with a Condition to be implemented whereby no alcohol would be served there beyond 10.00pm, with the proprietors being vigilant to ensure this does not occur.

A Member asked if Door Control personnel would be provided at the premises.

The Solicitor replied that this was a café rather than a pub or club, where the average age of client would be around 50 – 60 years of age, and would be consuming a moderate amount of alcohol with their meal. The serving of alcohol would not take place, unless visitors were having a meal also.

PC Rowlatt advised that the premises had been visited by the statutory bodies, and it was relatively small without sufficient room there to provide a proper bar area.

The representative form the Public Protection Department asked the applicant's Solicitor if his client would be happy to attach a further Condition to the application, ie not to provide for tables and chairs to be situate outside the premises.

He confirmed that this was agreed upon.

Members then agreed to adjourn the meeting, in order to make a decision in respect of the application. Upon their return, it was

RESOLVED:

The Committee had heard from the applicant and their representatives, and considered their application to license Olivia's Coffee House in Porthcawl.

Members considered the original application and the four representations received. Following a much varied application, three of the four representations have been withdrawn and the Sub Committee were able to hear from representatives of the statutory bodies who submitted these in person today.

This meant that only one representation remained outstanding. The representation was from a member of the public, who was not in attendance at the meeting today, and dealt with public nuisance. This concentrated mostly on concerns about noise, including noise from music and from the customers generally, especially from customers using tables and chairs outside the front of the premises.

The Sub Committee had considered this representation, and in light of the much reduced application now being put forward and Members having heard from the applicant, and considered the nature of the street layout. It also heard that the premises had never previously and never will in the future have tables and chairs at the front of the premises and that the applicant would agree to a condition confirming this. The Sub Committee felt that there were adequate conditions in place to deal with the noise (especially in the court yard at the back of the premises) and the hours of operation had been reduced. It also noted that alcohol is only to be sold ancillary to a meal.

Given the above, the Sub Committee were prepared to grant the amended Premises Licence application with an additional condition that there shall be no tables or chairs placed outside the front of the premises.

The application had been amended as follows:-

**Opening times and timings of licensable activities:-**

Licensable Activities (except live music, DJ and Karaoke)

Sunday – Thursday 10.30 – 22.30

Friday to Saturday 10.30 – 23.30

Live music, DJ and Karaoke

Sunday – Thursday 10.30 – 22.30

Friday to Saturday 10.30 – 23.00

Opening times

Sunday – Thursday 09.00 – 23.00

Friday – Saturday 09.00 - Closing at 00.00 hours.

Non Standard timings

Opening times on New Years Eve from 09.00 until 02.30 am New Years Day, All Licensable activity to stop at 02.00, except live music which shall cease no later than 00.30

(There shall be no special event days- TENS to be applied for)

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**Conditions imposed on Premises Licence:-**

1. Last orders shall be called no later than 30 minutes prior to closing times where all licensable activity will cease, to allow for customers to gradually wind down from the premises.
2. Alcohol shall only be sold as ancillary to a meal only
3. The rear outside court yard shall close at 22.00 daily
4. There shall be no regulated entertainment outside in the rear courtyard at any time
5. Live music shall be restricted to a single or duo artist only
6. The premises licence holder will undertake routine monitoring of the external area to monitor and control the noise from any patrons outside the premises.
7. Staff shall receive training in the Licensing Act 2003 at the start of employment and signed records shall be kept by the DPS and made available for inspection
8. When the DPS is unavailable, a signed notice will be displayed naming the authorised person, which shall be a personal licence holder.
9. The DPS will be a member of Porthcawl Pubwatch as long as one exists and shall attend meetings regularly
10. A written risk assessment for health and safety, which shall include safe capacity limits to prevent overcrowding shall be kept on the premises and shall be available for inspection by enforcement officers from any Responsible Authority. (The Premises Licence Holder has deemed that functions at the premises shall not exceed a capacity limit if 50 persons. Regular dining shall not exceed 50 persons. This will be managed by the DPS).
11. Children will only be permitted into the premises with an appropriate adult.
12. No children shall be permitted in the premises after 20.00 hours
13. All litter, including cigarette ends, shall be cleared from the front pavement area in front of the premises and to the rear lane of the premises as shown on the attached plan A at the close of business each day.

**Additional conditions from South Wales Police**

1. The Premises Licence Holder shall ensure that all aspects of the CCTV system comply with the Data Protection Act 1998 as amended Including erection of required signage.
2. The Premises Licence Holder shall ensure that signage will be placed in a prominent position, visible to customers, and show the controller's contact details. Such signage shall be approved by the South Wales Crime Reduction Officer prior to installation.
3. The Premises Licence Holder shall install CCTV at or near to the entrance(s) and exit(s) to the premises and record ingress and egress of customers. CCTV will also be located in all other areas to which the public has access (excluding the toilet areas).
4. The Premises Licence Holder shall make recordings of images onto discs which shall be available on request to any officer of the South Wales Police in the course of their duties. This should be done as soon as reasonably practicable and, in any event, no later than 24 hours after the request was made.
5. The Premises Licence Holder shall ensure that the CCTV operating equipment is regularly checked and that it operates at all times during which the premises licence has effect and/or is open to the public.
6. The Premises Licence Holder shall provide and maintain a register to detail any CCTV recordings handed to the South Wales Police in a format to be approved by the

South Wales Police. The details of both the person handing over the recordings and the Police Officer receiving them shall be documented and such register shall be made available at all reasonable times to officers of the South Wales Police.

7. A digital CCTV system will record at all times with a real time/day/date facility burnt onto the recording.

8. Any faults with the CCTV system are to be immediately documented and reported to South Wales Police Licensing department. Any fault shall be rectified within 2 working days.

9. Signs shall be placed on all entrance and exits points asking customers to please leave quietly.

10. The rear fire exit shall be alarmed to prevent patrons using it as a regular entrance/exit.

11. There shall be no tables or chairs placed outside the front of the premises.

The meeting closed at Time Not Specified