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Bridgend County Borough Council



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*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



**Cyfarwyddiaeth y Prif Weithredwr / Chief
Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Monday, 14 March 2022

Dear Councillor,

LICENSING ACT 2003 SUB-COMMITTEE (A)

A meeting of the Licensing Act 2003 Sub-Committee (A) will be held remotely - via Microsoft Teams on **Friday, 18 March 2022 at 10:00.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive Declarations of personal and prejudicial interest (if any) from members/ officers in accordance with the provisions of the Members Code of Conduct adopted by Council from the 1st September 2008.
3. Licensing Act 2003 Application to Vary a Premises License Under Section 34 3 - 106

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:
TH Beedle

Councillors
DRW Lewis

Councillors
AA Pucella

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING ACT 2003 SUB-COMMITTEE

18 MARCH AND 21 MARCH 2022

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

LICENSING ACT 2003

APPLICATION TO VARY A PREMISES LICENCE UNDER SECTION 34

1. Purpose of report

- 1.1 The purpose of this report is to determine an application received from Upperbay Ltd to vary the premises licence in force at Trecco Bay Leisure Park Porthcawl.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This application falls within the Council's function as a regulatory body and as such has no link to the corporate well-being objectives.

3. Background

- 3.1 The premises has the benefit of a premises licence BCBCLP535 which authorises the following licensable activities which relate to the application under consideration:

Supply of alcohol
Plays
Films
Indoor Sporting Events
Boxing or Wrestling
Live Music
Recorded Music
Provision of late night refreshment

- 3.2 Current permitted hours for licensable activities relevant to this application:

Provision of Regulated Entertainment (Live and Recorded Music). Live Music and Recorded music are currently authorised for both indoors and outdoors:

Standard Hours for Live Music:

Monday to Sunday: 1000 - 0200 hours
Outdoor area only:
Monday to Sunday: 1000 - 2300 hours

Non-Standard Timings for Live Music:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Standard Hours for Recorded Music:

Monday to Sunday: 1000 - 0200 hours

Outdoor area only:

Monday to Sunday: 1000 - 2300 hours

Non-Standard Timings for Recorded Music:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

Current opening hours specified on the premises licence:

Monday to Sunday: 0545 to 0230 hours

Incorporating:

Fish & Chip Shop and Papa John's;

Monday to Sunday: 0545 - 0300 hours

Non-Standard Timings for Opening Hours:

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

An additional hour to the standard and non-standard times on the day when British Summertime commences.

- 3.3 A copy of the current premises licence is attached at **Appendix A**.
- 3.4 A copy of the current plan attached to the premises licence is attached at **Appendix B**.
- 3.5 The licensing authority has received an application to vary the premises licence. The application is attached at **Appendix C**.
- 3.6 A copy of the plan attached to the application is attached at **Appendix D**.
- 3.7 The terms of the application as submitted are as follows:
 - 3.7.1 Provision of Regulated Entertainment:

To extend live and recorded music outdoors Monday to Sunday 1000 to 0200 the following morning (currently 2300 hours outdoors)

3.7.2 Opening hours to be extended Monday to Sunday 24 hours a day;

To amend /remove or update conditions due to the changes requested on the layout plans which are set out in Section 15 Box of the application form

3.7.3 To approve alterations at the premises both indoors and outdoors within the current licensed areas as shown on the proposed layout plans submitted to the Licensing Authority with this application, changes to include the following:-

3.7.4 Internal

Layout changes within the Funtasia building and Burger King;

The "Time Out" nightclub to be removed and replaced with an Indian Restaurant;

The "Coast" venue to have minor internal alterations.

3.7.5 External - in the area outlined in green already covered by the Premises Licence.

Addition of two new outdoor bars within the current licensed outdoor area - Beach Bar and Coffee / Bar

Reconfiguration of the outdoor seating area under the Canopy / Pavilion.

3.7.6 For information, the premises licence currently authorises the sale of alcohol on and off the premises.

3.8 When discharging its licensing functions, the licensing authority must promote the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and,
- The protection of children from harm.

3.9 Each of the above objectives has equal importance.

4. Current situation/proposal

4.1 The application has been advertised in accordance with the regulations on site, in a newspaper and on the Council's website. The application has been served on the Responsible Authorities.

4.2 The licensing authority has received representations from Shared Regulatory Services in its role as a Responsible Authority (environmental health functions) and other persons as defined in the legislation. All representations received are attached in **Appendix E**. For information purposes only, a location plan is attached at **Appendix F**.

4.3 The following Responsible Authorities responded to the consultation and made no representations: South Wales Police, and South Wales Fire and Rescue Service.

- 4.4 At the time this report was prepared none of the representations had been withdrawn and therefore a hearing of this application is necessary.
- 4.5 Any further updates will be provided between at the start of the Sub-Committee meeting as permitted under the Licensing Act 2003 (Hearings) Regulations 2005.
- 4.6 The statutory guidance issued under Section 182 of the Licensing Act 2003 provides as follows:

“Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority’s discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.”

- 4.7 Sections 9.4 to 9.10 of the above guidance provides as follows:

- 4.8 “Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most,

are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it."

4.9 The function of determining whether a representation is relevant, frivolous or vexatious is delegated to the Team Manager Licensing under the Scheme of delegation to officers. Having considered the statutory guidance, none of the representations received were deemed frivolous or vexatious. The following matters were deemed as not relevant to the variation application under consideration, or the licensing objectives:

4.9.1 Representations which state that the variation is for a 24 hour licence for the sale of alcohol at the premises. Reason: the application does not seek to vary the current hours for the sale of alcohol.

4.9.2 Representations relating to the impact of the application on traffic or parking. Reason: these do not relate to the licensing objectives and therefore are not a matter for the licensing authority to consider.

4.9.3 Representations relating to the economic impact of the variation or the impact on house prices. Reason: these do not relate to the licensing objectives and therefore are not a matter for the licensing authority to consider.

4.9.4 One representation referred to the application as a planning application. The statutory guidance allows for discretion when including representations from other persons, and whilst the representation refers to the application as being a planning application, it covered noise nuisance from outdoor music and the relevant representations have therefore been included in the schedule.

4.10 Statutory Guidance and Statement of Licensing Policy

The relevant Sections of the Statutory Guidance issued under Section 182 of the Licensing Act 2003 are attached as **Appendices G and H**.

In respect of the Council's Statement of Licensing Policy there are no area policies relating to Porthcawl and the policy relating to noise nuisance is attached at **Appendix I**.

5. Effect upon policy framework and procedure rules

5.1 The report content has no direct effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising from the report.

9. Recommendations

9.1 The Sub-Committee is asked to determine the application having regard to the Council's Statement of Licensing Policy and the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 and the application, submissions and representations before them.

9.2 The Sub-Committee is requested to consider whether any additional conditions are to be imposed having regard to the statutory guidance.

Kelly Watson
Chief Officer – Legal and Regulatory Services, HR and Corporate Policy

14 March 2022

Contact officer: Yvonne Witchell
Team Manager Licensing

Telephone: (01656) 643643

Email: licensing@bridgend.gov.uk

Postal address: Civic Offices
Angel Street
Bridgend CF31 4WB

Background documents: None

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BRIDGEND COUNTY BOROUGH COUNCIL

THE LICENSING ACT 2003 (PREMISES LICENCES) REGULATIONS 2005

PREMISES LICENCE

PART A

PREMISES LICENCE

Premises Licence Number : BCBCLP535

Premises Details: Trecco Bay Leisure Park
Entertainment Complex
Trecco Bay
Bay View Road
Porthcawl
CF36 3NG

Telephone Number: Not known

Where the licence is time limited the dates:

N/A

Licensable activities authorised by the licence:

Supply of alcohol
Play
Films
Indoor Sporting Events
Boxing or Wrestling
Live Music
Recorded Music
Provision of late night refreshment

Times the licence authorises the carrying out of licensable activities:

Supply of Alcohol:
Monday to Sunday: 1000 - 0200 hours
Outdoor area only:
Monday to Sunday: 1000 - 2300 hours

Provision of Regulated Entertainment:
Monday to Sunday: 1000 - 0200 hours
Outdoor area only:
Monday to Sunday: 1000 - 2300 hours

Provision of Late Night Refreshment:
Monday to Sunday: 1000 - 0200 hours
Incorporating Fish & Chip Shop and Papa John's:
Monday to Sunday: 2300 - 0300 hours

Non Standard Timings:
From the end of permitted hours on New Years Eve to the start of
permitted hours on New Years Day

An additional hours to the standard and non-standard times on the day
when British Summertime commences

Films permitted outdoors Monday to Sunday 1000 - 2300 hours

Opening hours of the premises:

Monday to Sunday: 0545 to 0230 hours
Incorporating:
Fish & Chip Shop and Papa John's;
Monday to Sunday: 0545 - 0300 hours

Non-standard timings:
From the end of permitted hours on New Years Eve tot he start of
permitted hours on New Years Day

An additional hour to the standard and non-standard times on the day
when British Summertime commences

**Where the licence authorises supplies of alcohol whether these are on
and/or off supplies:**

Both on and off the premises

PART 2

**Name (registered) address, telephone number and e-mail (where
relevant) of holder of premises licence:**

Upperbay Limited
2nd Floor
One Gosforth Park Way
Newcastle Upon Tyne
NE12 8ET

Telephone Number : 0191 256 0707

Registered number of holder, for example company number, charity number (where applicable):

3817280

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Telephone Number :

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

[REDACTED] .

Annex 1 - Mandatory Conditions:

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

The Licensing Act 2003 (Mandatory Conditions) Order 2014 applies to relevant premises licences. (Permitted price of alcohol). A copy of the relevant document setting out the mandatory condition can be found at www.legislation.gov.uk

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where—

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section—

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

Annex 2 - Conditions Consistent with the Operating Schedule

General – All four licensing objectives:-

1. These premises already have the benefit of Premises Licences and this operating schedule mirrors the existing conditions in so far as they are not altered by this application or covered by existing legislation.
2. The Premises Licence Holder will continue to train its staff to the standards required by relevant legislation.
3. No disorderly conduct shall be permitted in the premises nor any exhibition, recitation, acting, singing or dancing which is of an obscene character or offensive.

4. The DPS or some responsible person nominated by him in writing shall be in charge of and upon the licensed premises during the whole time they are open to the public.

5. No exhibition, demonstration or performance of hypnotism (as defined in Section 6 of the Hypnotism Act 1952) shall be given by any person without notifying the Licensing Authority 28 days in advance of the performance and with their expressed written consent.

6. The premises will be constructed in accordance with the enclosed supporting proposed plans or in the case of alterations to that drawing, any further drawings served on the responsible authorities prior to the opening of the premises.

The prevention of crime and disorder:-

1. The current level of lighting outside the premises will continue for the hours of trading.

2. During the hours of the adult nightclub trading, two door supervisors shall be on duty.

3. A duty register of door staff will be maintained.

4. Door staff will enter in the duty register their full 16 digit SIA licence number, full name which will be clearly legible, on/off duty timings and signature.

4. Two resort Security Officers are on duty during the hours of trade and are in radio contact with each other and with the entertainment venues and bars on park.

5. The existing CCTV system will continue to operate for 24 hours each day.

6. In order to promote these objectives a digital CCTV system could be installed to a standard detailed in the attached form titled " Special conditions relating to the installation and maintenance of CCTV".

7. CCTV will be installed and fully functional within 28 days of the licence being determined.

8. Any person who appears to be intoxicated will not be allowed entry to the premises.

9. The premises will only accept photographic identification as proof of age.

Public safety:-

1. Free drinking water will be available at all times at the premises.
2. A person trained in first aid will be on the premises during the hours licensable activities are being provided.
3. Where a ring is used it will be constructed by a competent person and shall be inspected by a competent authority before the use and any material used to form the skirt of the ring shall be flame retardant.
4. Members of the public will not occupy any seat which is closer than 2.5 metres to the ring.
5. No one under the age of 18 will be allowed in the adult nightclub.
6. No glassware will be permitted to be taken into any Children's Play Area, on the Dodgems or onto Bowling Lanes.
7. The Children's Play Area will be monitored by a responsible member of staff at all times that it is made available for Children to play in.
8. Any breakages will be cleared up immediately by a member of staff.

The prevention of public nuisance:-

1. Any regulated entertainment in the outside area shall cease at 2300 hours.

The protection of children from harm:-

1. The venues on the Park, save for the adult nightclub, are family orientated designed to attract families and provide family entertainment.
2. The "Challenge 21" scheme will be adopted where persons who appear to be under the age of 21 years will be challenged to prove that they are 18 years old when purchasing alcohol.
3. No one under the age of 18 will be allowed in the adult nightclub.
4. No glassware will be permitted to be taken into any Children's Play Area, on the Dodgems or onto Bowling Lanes.
5. The Children's Play Area will be monitored by a responsible member of staff at all times that it is made available for Children to play in.
6. Any breakages will be cleared up immediately by a member of staff.

Annex 3 - Conditions attached after a hearing by the licensing authority:

N/A

Annex 4 - Plans

Attached – Drawing 1940-TB-900

BRIDGEND COUNTY BOROUGH COUNCIL

THE LICENSING ACT 2003 (PREMISES LICENCES) REGULATIONS 2005

PREMISES LICENCE

PART B

SUMMARY OF PREMISES LICENCE

Premises Licence Number : BCBCLP535

Premises Details: Trecco Bay Leisure Park
Entertainment Complex
Trecco Bay
Bay View Road
Porthcawl
CF36 3NG

Telephone Number:

Licensable activities authorised by the Licence:

Supply of alcohol
Plays
Films
Indoor Sporting Events
Boxing or Wrestling
Live Music
Recorded Music
Performance of Dance
Provision of late night refreshment

Standard times the licence authorises the carrying out of licensable activities:

Supply of Alcohol:
Monday to Sunday: 1000 - 0200 hours
Outdoor area only:
Monday to Sunday: 1000 - 2300 hours

Provision of Regulated Entertainment:

Monday to Sunday: 1000 - 0200 hours
Outdoor area only:
Monday to Sunday: 1000 - 2300 hours

Provision of Late Night Refreshment:
Monday to Sunday: 1000 - 0200 hours
Incorporating Fish & Chip Shop and Papa John's:
Monday to Sunday: 2300 - 0300 hours

Non Standard Timings:
From the end of permitted hours on New Years Eve to the start of
permitted hours on New Years Day

An additional hours to the standard and non-standard times on the day
when British Summertime commences

Films permitted outdoors Monday to Sunday 1000 - 2300 hours

Opening hours of the premises:

Monday to Sunday: 0545 to 0230 hours
Incorporating:
Fish & Chip Shop and Papa John's;
Monday to Sunday: 0545 - 0300 hours

Non-standard timings:
From the end of permitted hours on New Years Eve tot he start of
permitted hours on New Years Day

An additional hour to the standard and non-standard times on the day
when British Summertime commences

**Where the licence authorises supplies of alcohol whether these are on
and/or off supplies:**

Both on and off the premises

**Name of Designated Premises Supervisor where the premises licence
authorises for the supply of alcohol:**

[REDACTED]

Name and address of holder of premises licence:

Upperbay Limited
2nd Floor

One Gosforth Park Way
Newcastle Upon Tyne
NE12 8ET

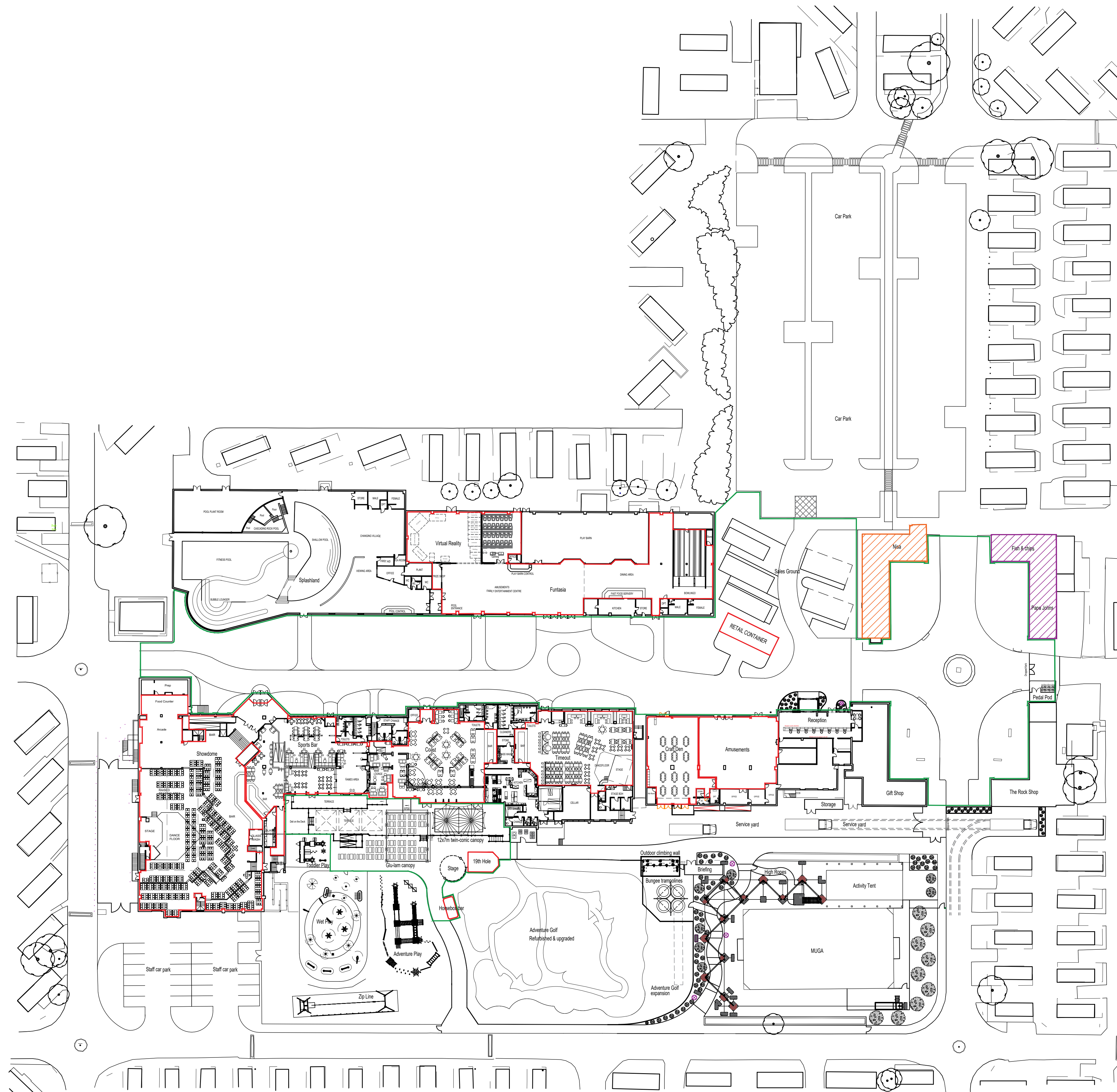
Registered number of holder/company number/charity number (if applicable)

3817280

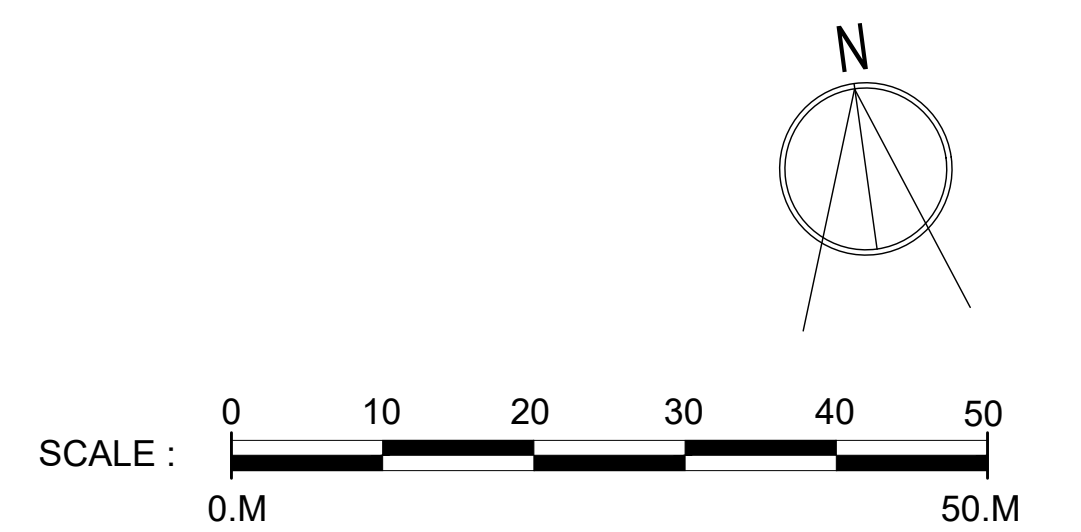
Access to the premises by children is restricted or prohibited

- 1) No one under the age of 18 will be allowed in the adult nightclub.

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- LATE NIGHT REFRESHMENTS ONLY
- PARK SHOP - LICENSED BY THIRD PARTY
- DENOTES AREA TO BE USED FOR THE SALE OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT
- EXTERNAL AREA FOR ALL LICENSABLE ACTIVITY



Revision	Description	Date

NB
Architects
DA

www.nbda-architects.co.uk Tel 01625 575550

Client **PARKDEAN RESORTS**

Project **TRECCO BAY
SPRINGBOARD**

Drawing **CENTRAL AREA
PROPOSED LICENSING PLAN**

Drawing No. **1940-TB-900** Revision
Scale **1:500 @ A1** Date **04.01.21** Drawn **JCB**

This drawing is copyright of N.B.D.A. Ltd. and should not be reproduced without permission. Dimensions should not be scaled off this drawing. All dimensions should be checked on site.

Trecco Bay Park Map

- Ⓐ Reception
- Ⓜ Amusements
- ⓐ Timeout Bar
- ⓑ Coast Bar & Kitchen
- Ⓒ The Sportsman Bar
- Ⓓ Showdown and Diner
- Ⓔ Fontaine
- Ⓝ Splashland
- Ⓞ Church
- Ⓟ All Weather Sports Area
- Ⓠ Adventure Golf
- Ⓡ Play Area
- Ⓢ Wet Play Area
- Ⓣ Shops including Convenience Store, Rack Shop and Laundrette
- Ⓤ Owners Select & Society
- Ⓥ Hobbly Home
- Ⓦ Sales Showground
- Ⓧ Prego's Pizza and Ice Cream Parlour
- Ⓨ Bay View Fish & Chip Shop
- Ⓩ Legends Diner
- ⓐ Recycling

RECYCLING
Please do your bit for the environment and help Parklife to be greener by recycling your rubbish.

Carry your entertainment pass with you at all times for use of the on-park facilities.





* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

1,605,000

Section 3 of 18

VARIATION

Do you want the proposed variation to have effect as soon as possible?

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To extend live and recorded music outdoors Monday to Sunday 1000 to 0200 the following morning, opening hours to be extended Monday to Sunday 24 hours a day; all other licensable activities and hours to remain as existing; to amend / remove or update conditions due to the changes requested on the layout plans; to approve alterations at the premises both indoors and outdoors within the current licensed areas as shown on the proposed layout plans submitted to the Licensing Authority with this application, changes to include the following:-

Internal

1. Layout changes within the Funtasia building and Burger King;
2. The "Time Out" nightclub to be removed and replaced with an Indian Restaurant;
3. The "Coast" venue to have minor internal alterations.

External - in the area outlined in green already covered by the Premises Licence.

1. Addition of two new outdoor bars within the current licensed outdoor area - Beach Bar and Coffee / Bar.
2. Reconfiguration of the outdoor seating area under the Canopy / Pavilion.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the performance of live music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

AS EXISTING

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

AS EXISTING WITH THE FOLLOWING:-

OUTDOORS - MONDAY TO SUNDAY 1000 TO 0200 THE FOLLOWING MORNING.

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

AS EXISTING

State any seasonal variations for playing recorded music.

Continued from previous page...

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

AS EXISTING WITH THE FOLLOWING:-

OUTDOORS - MONDAY TO SUNDAY 1000 TO 0200 THE FOLLOWING MORNING.

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 18

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

AS EXISTING

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove Annex 2 conditions 1 and 6 under "General" - no longer necessary.

Remove Annex 2 conditions 2, 3 and 4 under "Crime & Disorder" - adult nightclub is being removed and replaced with a restaurant

Remove Annex 2 condition 1 under "Public Safety" - mandatory condition

Remove Annex 2 condition 5 under "Public Safety" - adult nightclub is being removed and replaced with a restaurant

Remove Annex 2 conditions 6 and 7 under "Public Safety" - to be amended to remove reference to Childrens Play Area as below.

Remove Annex 2 condition 1 under "Public Nuisance" - to reflect the changes to live and recorded music within this variation.

Remove Annex 2 condition 1 under "Protection of Children from Harm" - to be amended in this variation below.

Remove Annex 2 condition 3 under "Protection of Children from Harm" - adult nightclub is being removed and replaced with a restaurant

Remove Annex 2 condition 4 under "Protection of Children from Harm" - to be amended in this variation below.

Remove Annex 2 condition 4 under "Protection of Children from Harm" - to be amended in this variation below.

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Bearing in mind the nature of this variation and those conditions already attached to the licence, nothing further is required save for those conditions below.

Continued from previous page...

b) The prevention of crime and disorder

See boxes a) and e).

c) Public safety

See boxes a) and e).

d) The prevention of public nuisance

See boxes a) and e).

e) The protection of children from harm

1. The venues on the Park are family orientated, designed to attract families and provide family entertainment;
2. No glassware will be permitted to be taken into the Play Barn or Bowling Lanes;
3. The Play Barn will be monitored by a responsible member of staff at all times that it is made available for Children to play in.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

635.00

DECLARATION

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Ticking this box indicates you have read and understood the above declaration

Continued from previous page...

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text" value="Popleston Allen Licensing Solicitors"/>
* Capacity	<input type="text" value="AGENT for the applicant"/>
* Date	<input type="text" value="31"/> / <input type="text" value="01"/> / <input type="text" value="2022"/> dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/bridgend/change-1> to upload this file and continue with your application.

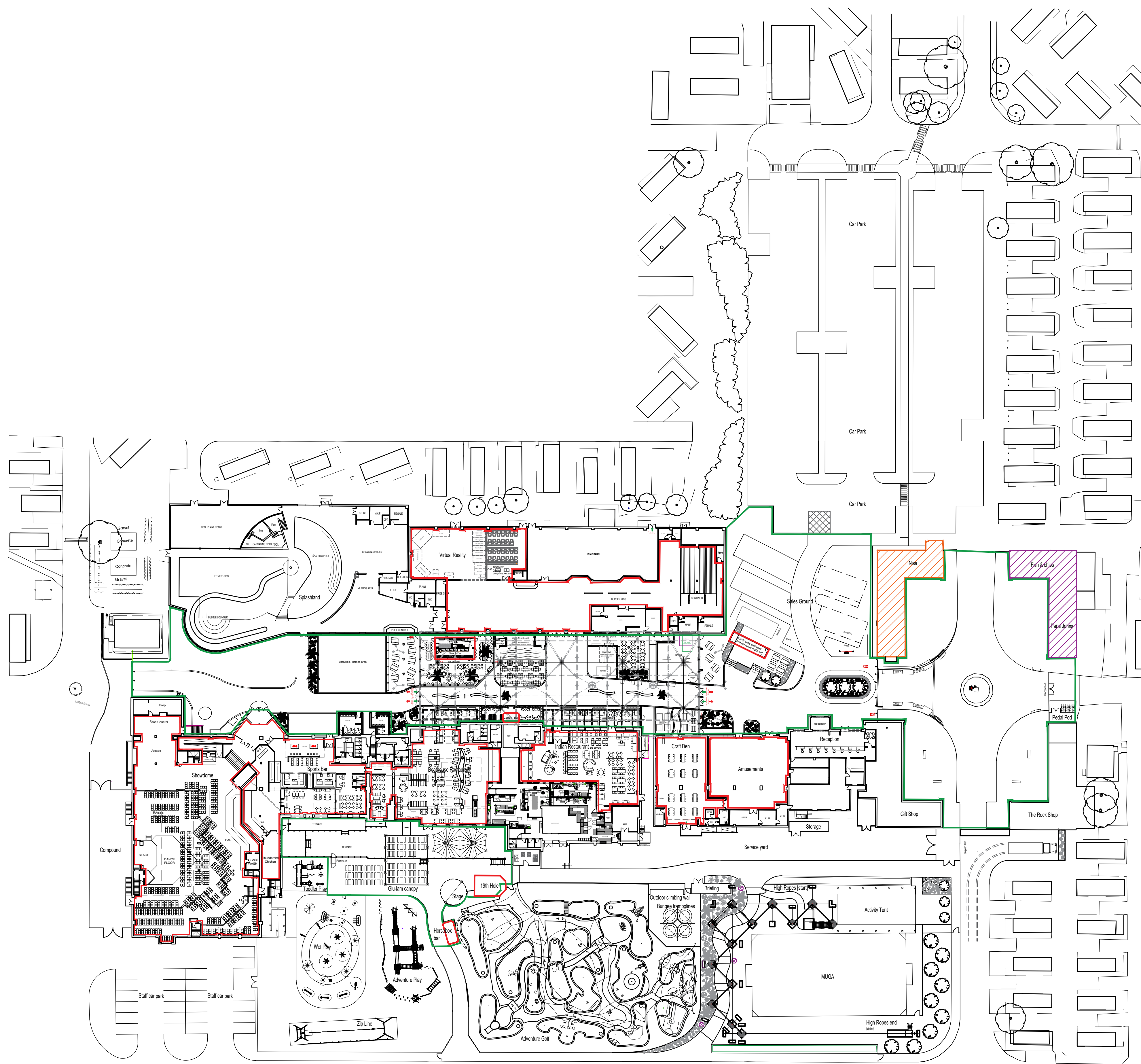
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

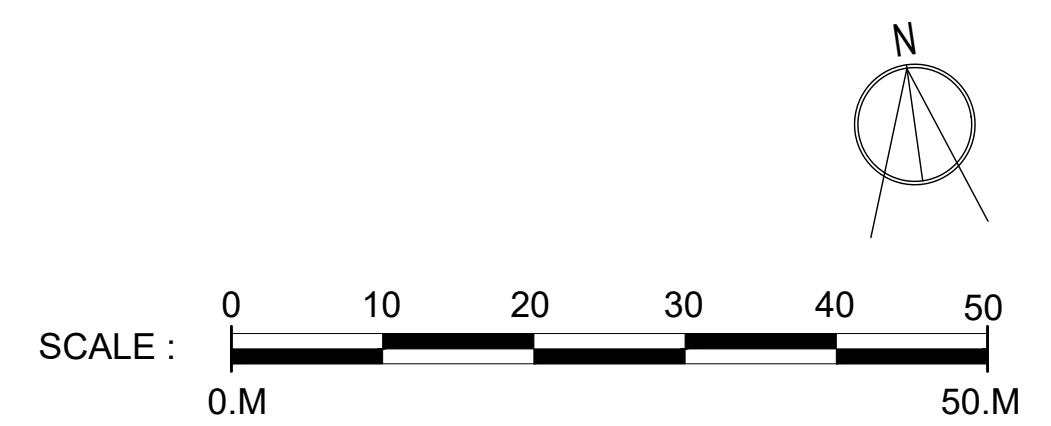
OFFICE USE ONLY

Applicant reference number	<input type="text" value="AG - P48373 - TRECCO BAY HOLIDAY PARK"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



-  LATE NIGHT REFRESHMENTS ONLY
-  PARK SHOP - LICENSED BY THIRD PARTY
-  DENOTES AREA TO BE USED FOR THE SALE OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT
-  EXTERNAL AREA FOR ALL LICENSABLE ACTIVITY



Revision	Description	Date
A	Boundaries updated	17.01.21



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Client **PARKDEAN RESORTS**

Project **TRECCO BAY HOLIDAY PARK
SPRINGBOARD - PHASE 2**

Drawing **CENTRAL AREA
PROPOSED LICENSING PLAN**

Drawing No. **2005-TB-900** Revision **A**

Scale **1-200 @ A1** Date **05.01.21** Drawn **JCB**

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Responsible Authority	Representation
<p>Shared Regulatory Services</p>	<p>Dear Sir \ Madam,</p> <p>I refer to the recent application to vary the premises licence of Trecco Bay, Porthcawl.</p> <p>The current premises licence allows for the provision of regulated entertainment for the following :</p> <p>Monday to Sunday: 1000 - 0200 hours Outdoor area only: Monday to Sunday: 1000 - 2300 hours</p> <p>I understand that the applicant wants to vary the premises licence for regulated entertainment outdoors to 2300 -0200 hours. I note that there has been no supporting information provided to demonstrate how the licensing objective of prevention public nuisance will be promoted. The information provide in this section, details only that there is no requirement for a licence for regulated entertainment between 08:00 and 23:00 hours.</p> <p>There are concerns regarding the potential noise nuisance caused to nearby residential properties with having live and recorded music outside until 2am. There has been no mentioned of any mitigation or control measures that will be implemented to ensure that these activities will not cause a nuisance to residential properties.</p>

	<p>It is my understanding outdoor live music \ recorded music occurs on a very infrequent basis. The department has previously received complaints regarding noise nuisance due to outdoor regulated entertainment. I believe this was when there was live music on the outdoor stage behind the restaurant by the splash park. Also, there was an occasion when live music was being played to customers when there was long waiting times to check in, we also received complaints of noise regarding this.</p> <p>I met on site with – General Manager and raised these concerns.</p> <p>However, at present, in view of the above, I wish to object to the application until such time that the applicant can demonstrate that the premises will have no negative impact on the area.</p>
--	---

Rep No	Consent given to publish/withhold	Relevant representation
1	Cedar Gardens Danygraig	We wish to register our objection to the application from Trecco Bay Caravan site to have outdoor music extended to 2 a.m. seven days a week. My husband and I have trouble sleeping as it is without having to listen to music until the early hours of the morning. It will be unbearable during the Summer when we have the windows open. We already hear the music as it travels on the wind as far as our house in the Summer but as they turn it off at a reasonable hour we do not object. I would feel sorry for all who live in the vicinity who have to get up early for work or school.
2	Heolygraig, Newton	We strongly object to this licence application, we live in Heolygraig in Newton and the noise from the Park on summer evenings, when outdoor karaoke has

		<p>been allowed to take place, is horrendous over the whole of the village. The thought that this could go on until 2 am on 7 days per week is unthinkable and I would urge the council to refuse this application. I have spoken to other members of the community who are horrified at this proposal.</p> <p>I urge that this proposal be refused in its entirety.</p>
3	Bryneglwys Newton Gardens,	<p>I strongly object to the proposal to extend live and recorded music outdoors from 10:00 - 02:00 the following morning, 7 days a week at Trecco Bay Entertainment Complex, plus the extended opening hours Monday to Sunday to 24hrs a day.</p> <p>The noise would be unbearable and totally unfair to local residents who live nearby, and it would undoubtedly disturb our sleep. There is no need for any outdoor music, live or recorded until 02:00 on any morning!</p> <p>I live at... and very often during the summer, noise i.e. music and / or singing is heard from both the fairground and the Hi Tide Inn; this is generally daytime noise and is tolerable.</p> <p>I do not wish to be kept awake until 02:00 any morning, I therefore reiterate my objection to this latest application for variation of premises licence by Upperbay Ltd.</p>
4	Heol Y Graig Newton	<p>I object to any extension of a music licence allowing Treco Bay leisure from 10.00to 0200 hours The objection is based on the already high noise level at Heol Y Graig Newton Porthcawl ... experienced during their operating months.</p> <p>The noise is blasted so loud you can not sit in your garden .</p>

		At present they disregard the well being of the residents and consider it is their right to blast out music . We want to be able to go to bed to sleep not to be disturbed by unsociable practice.
5	Full address not included	<p>I'd like to note my objection to the proposed extension to Live Music outdoors at Trecco Bay Holiday Park – I live on Rhych Avenue.</p> <p>The noise from Trecco Bay is already bad enough as it is, with extremely loud cabaret acts in the outdoor venue at the back of Coast Restaurant during the season. We can also hear the music from Showdome from our house throughout the night.</p> <p>Please note my objection, and keep me updated with what happens next.</p>
6	No full address within email	We are residents on the entrance of st johns drive which is the main entrance to Trecco Bay caravan Park very concerned about the extended hours of loud music the residents would have to endure and with the anti social behaviour which we experience on an annual basis and the noise level would impact on our daily life we have tried on a number of occasions to build a wall due to our feelings of insecurity regarding the amount of incidents but always been refused by the council but at the moment everyone seems to be doing what they want without no objections There is also Newton Care Home on the entrance which would be greatly affected like everyone in the Newton area Why aren't there letters being sent out the the Newton Community
7	Bryneglwys Gardens	<p>I write to object very strongly to the proposed extension of Trecco Bay's licence to play music outdoors until 2am 7 days a week. I live in Bryneglwys Gardens, and due to the prevailing westerly winds we can often hear music from Trecco & the Hi-Tide during the day in the summer, which is acceptable in the daytime. Trecco is very close to a residential area, & should not be allowed to cause such noise disturbance to residents at night. I and my neighbours do not wish to be kept awake until 2am on any night.</p> <p>I therefore wish to register a very strong objection to this proposal by Upper Bay Ltd.</p>
8	No address provided in email	I am writing to air my concerns with Trecco Bay caravan site extending their outside licencing hours and to play live and recorded music out side.

		<p>As the caravan site is within a residential area I do not think it will be fair on the residents to be potentially kept awake until all hours if they are granted permission to play live music out doors. Last year they held an outdoor karaoke which annoyed a lot of residents, this was aired over social media.</p> <p>I would be grateful if you would consider the local residents before grating the extended licence to Trecco Bay Caravan site.</p>
9	Honeysuckle , Trecco Bay	<p>I bought my dream holiday home by the sea in 2020 on Trecco Bay. I love the beach life and spend hours walking ,swimming in the sea and relaxing on the beach.</p> <p>Although it is not for me I appreciate that some holiday makers enjoy the entertainment that Trecco bay supplies. I always think that midnight is a reasonable time for everyone to finish partying, It is after all a family site . I pay over £****/month in site fees to Trecco bay and think myself and all the other owners at Trecco deserve consideration before are peace is destroyed.</p> <p>Outdoor music travels and will be heard all over the park and also the locals in Newton will be able to hear it.</p> <p>I object to this license being granted.</p>
10	Request for details to be withheld	<p>I'd like to note my objection to the increased licensing to Trecco Bay Holiday Park in Porthcawl. I live right next door to Trecco Bay, on ... and throughout the summer holidays they have incredibly loud music playing on the back patio outside of the Coast Restaurant throughout the day, which is already incredibly intrusive.</p>

		In the evenings we can often hear the cabaret acts, and other various noises from the Showdome venue. I can only imagine this getting worse and worse with increased opening hours and licensing for the park.
11	Request for details to be withheld	<p>It has come to my attention that an application to vary a Premises License under Section 34 of the Licensing Act 2003 has been proposed for the premises: Trecco Bay Leisure Park, Entertainment Complex , Trecco Bay, Bay View Road, Porthcawl, CF36 5NG.</p> <p>Please accept this correspondence as my formal objection to the proposed changes.</p> <p>Last year the premises conducted several nights of outdoor performances, including karaoke until around midnight. These events were audible inside the homes of neighbouring premises and far beyond. It had angered many residents on local community groups online who were extremely upset by the events going on at Trecco Bay. These posts, along with comments from residents are still online and available for review.</p> <p>This was one of the first times I had experienced Trecco Bay host outside events like this; which were largely presented as being a way to mitigate COVID19 restrictions for indoor events.</p> <p>I am located approximately 1.18KM (as sound travels) away from the venue in Dan-y-graig and was able to hear outdoor events from within my home, windows shut. With two young children in the house, this was disruptive for them and can be particularly uncomfortable for everyone in the summer months where it might be reasonable to have windows open for ventilation.</p> <p>Porthcawl being a coastal town, is exposed to more wind than other towns or cities further inland might be. The majority of the wind blows from WSW, SW and SSW direction, which means natural sound refraction is carried inland.</p>

		At the very minimum the venue should be limited to no more than 2 or 3 nights per week for outside events and these should finish at a reasonable time. Karaoke, as fun as it is, and all amateur performances should be restricted to more sociable hours. The venue should be made to consider wind speed and direction and the impact this may have on noise pollution prior to hosting an event and if that is not possible they should consider installing outside acoustic diffusers and baffles in an attempt to control / direct sound.
12	Hookland road	Yes I do object to the sound of music being played until that time of night. It will disturb all the holiday makers as well as the local people who live near the camp, myself included. I believe it is definitely anti social.
13	Beach Road	My family and I live at which backs onto the Parkdean caravan park. I understand from facebook that parkdean has applied for an outside music licence to be granted from 10 pm to 2 am daily. As a resident of Newton Porthcawl and a council tax payer, we wish to object to this licence being granted due to the negative effects of noise pollution which will result in sleep deprivation for my family. My daughter regularly starts work at 6 am which often means her leaving the house between 4.45 - 5.00 am. Therefore, I pled with Bridgend Council not to grant such a licence as this will have a negative effect on all residents of Newton/Porthcawl. I would be grateful if I could be kept updated and informed of any decision that is made. thanks.
14	Newtin Nottage Road	I wish to lodge a strong objection to an application I hear is being made by the above organisation. I am told they are applying for a licence to have outdoor

		music until 2am each day. I live within sound of this park and loud music is disturbing and intrusive. Please do not grant such a licence. It would be most unpleasant for local residents.
15	New Road Porthcawl – no house number	I am emailing as I have recently been made aware of an application made for Trecco Bay, Porthcawl in which it is proposed that they will have outdoor/live music during the hours of 10am- 2am. As a resident who lives on new road at the entrance to Trecco Bay, who works two jobs, has a primary school aged child and a partner who works long and tiring hours. we plead for this not to be allowed. The noise from Trecco during the summer can be heard around already and whilst we appreciate that this is a holiday park, us residents are here all year round and still have to attend to our work commitments! For me this means I am awake at 6:30am every morning. If this proposed application were to be allowed, I am unsure how or when i would be able to sleep, considering the 2am end which would then see people also leaving the premises. Please consider the residents of Newton when reviewing this application, there are many of us who are now very worried about this outcome and how it will effect our lives. Thank you
16	Lime Tree Way Newton	<p>I wish to object to the proposed variation to extend live and recorded outdoors music Sunday to Monday 10am to 2am the following morning, and for opening hours to be extended to 24 hours 7 days a week.</p> <p>I am a resident in Newton, Porthcawl and am already subject to loud music and Karaoke, thorough the summer months. Currently it is bearable as it ends at 10pm and does not occur every night. It does make evenings sitting in my own garden less pleasant and when the windows are open in the summer, can at times, be clearly heard in my house. The proposal to extend this to 7 days a week, until 2am is not acceptable to me. Newton is a relatively quiet and peaceful residential area, and I feel that this would adversely affect the nature of the community. It would mean that we could be subjected loud music every night until the early hours, disturbing peaceful evenings in my garden and worse, a decent nights sleep, as it is necessary to sleep with the bedroom</p>

		<p>windows open in the summer. When the wind blows from the West, which it frequently does, noise from the holiday park is already loud.</p> <p>With regard to extended opening hours, I am concerned that it would increase incidents of unwanted drunken behaviour and noise.</p> <p>Having said that, I welcome the tourism that Parkdean, Trecco Bay, brings to Porthcawl, as it undoubtedly helps the economy of the town and Bridgend County. It is and has been an integral part of the town for many years, allowing people from all over the world to enjoy the local area. However, serious consideration needs to be given to the effects of the proposals, should they go ahead, would have on the nature and character of our community.</p>
17	St John's Drive Porthcawl – no house number	<p>I am raising an objection to the extension of a music licence by Parkdean for the hours 10:00am - 02:00am Sunday- Sunday 7days a week.</p> <p>I live in the Newton area of Porthcawl and have experienced levels of loud music along with drunken behaviour from this resort on the nights that they have organised the events pre covid</p> <p>I can only see an increase in this behaviour should an extension be granted, as the campsite security were contacted and we were told as it was now outside of their boundary they could not deal with it, and it was now for local police, please consider the views of the people of Porthcawl, I am employed by the NHS and work in a Theatre dept at the....., if music is going to be the norm from this site then I will need to escalate this to my MP or even WAG as see know way that I carry out my job due to sleep deprivation.</p>
18	New rd	<p>To those concerned with the processing of this application,</p> <p>I would like to state my concerns and objection to the issuing of the proposed licences at the above premises.</p>

		<p>Having 24 hour openings indoors may be manageable if proper security arrangements are maintained and monitored for effects on nearby areas and the town as a whole.</p> <p>The outdoor licence however is totally unacceptable at such late hours and open to abuse such that it could make life unbearable for large areas of the town.</p> <p>To illustrate; the High Tide often has a single singer/microphone performer on summer afternoons. The effect of this can vary from fairly innocuous to quite intrusive depending on volume and wind direction on the day. A similar, let alone greater level of noise at 11,12 or 2 o'clock in the morning would ruin the peace and certainly the sleep of hundreds if not thousands of people on a regular basis, making life miserable for those affected.</p> <p>I request also that you make a copy of the application available to me so that it can be distributed to the many people directly affected by this.</p>
19	Lime Tree Way Newton	<p>I wish to to object to this application in the strongest possible terms.</p> <p>This application for live and recorded music OUTDOORS from Sunday 1000-0200</p> <p>This is just ridiculous - even pubs in Bridgend - a town centre only has music a couple of nights a week to this time.</p> <p>We are not Ibiza!</p> <p>We are an older populated seaside town - this is a sleepy village - we wish to be able to wander the beaches, drink in our wonderful scenery, sit in our gardens, rest and relax, picnic quietly with family and friends, not be deafened by live music all day and night.</p> <p>People in work need their sleep and relaxation of peace in their own homes and gardens also.</p>

		<p>Due to the proximity to the beach, sound carries right across the bay and is heard regularly on the weekends in Danygraig - causing problems with sleeping and resting –</p> <p>24 hours a day, 7 days a week is NOT ACCEPTABLE. Please refuse this application.</p>
20	Clevis Hill Newton	<p>I wish to object to the change in licensing by Upperbay Limited in respect of premises known as Trecco bay Leisure Park, Entertainment Complex, Trecco Bay, Bay View Road, Porthcawl CF36 5NG</p> <p>I object strongly to</p> <p>1. The application to licence outdoor music, Monday to Saturday (10.00 - 2.00)</p> <p>I am a resident of Newton, and live on Clevis Hill. I am in my 70's and retired.</p> <p>My objections on the granting an outdoor music licence is based on previous experiences of the noise that comes from the Trecco Bay Leisure Centre.</p> <p>*On most afternoons through the summer months we are able to hear from our garden music/singing coming from the centre. Although not excessively loud, it is repetitive every day with what appears to be the same singer, same songs on each day.</p> <p>*On occasions there are Karaoke nights, cumulating on one evening last year where the shouting and singing coming from a microphone, possibly speakers, was so loud that we were unable to sit in our garden, or go inside with the windows open. The only way to stop the noise was to close windows and turn up the TV sound.</p> <p>On this occasion the music stopped around 23.00hrs.</p>

		<p>This was reported at the time to Bridgend Environmental Department as Statutory nuisance.</p> <p>'disturbance that interferes significantly with your right to enjoy your home'.</p> <p>*If this was to be replicated in any format from 7 days a week to just one day a week, from 10.00 to 2.00 our quality of life would be severely affected.</p> <p>During that time we would be unable to enjoy our gardens.</p> <p>We would need to go indoors and close windows</p> <p>Sleep would be severely disrupted.</p> <p>It would 'unreasonable and substantially interfere with the use or enjoyment of a home or premises'.</p> <p>Being retired and with the experience of Covid restrictions over the past two years, being able to use the garden for recreation, relaxing and meeting friends has become essential to my physical and mental well-being.</p> <p>Granting this license would, I believe, severely affect my overall well-being.</p> <p>Also, I am somewhat puzzled by the application, as the Noise Act 1996 defines the period between 11.0 pm and 7.0am as 'night hours'.</p> <p>'Therefore, any excessive and overly loud sounds represent noise pollution and anti-social behaviour and, consequently is seen as illegal'.</p> <p>Finally, I would like to quote Hannah Blythyn, AM, Minister for Environment., from Welsh Government, Noise and soundscape action plan, (2018 - 2023).</p> <p>'Noise, meaning unwanted or harmful sound, can, in the short term, disrupt sleep and increase levels of stress, irritation and fatigue, as well as interfering</p>
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		<p>with important activities such as learning, working and relaxing. In other words, it reduces the quality of our lives’.</p> <p>The minister, for me and I’m sure other Newton residents, sums up my objections to the Application by Upperbay Limited in respect of the premises known as Trecco Bay Leisure Park, Entertainment Complex.</p>
21	St John’s Drive Newton	<p>I understand that Upper Bay Ltd at Trecco Bay Porthcawl wish to apply for music to be played out doors plus live entertainment from 10am until 2am 7 days a week.</p> <p>I live in St Johns Drive which is directly next to Trecco Bay and during the Summer months you can clearly hear the entertainment during the day, to have it going on late into the night would be intolerable.</p> <p>Newton village is a conservation area and whilst Trecco Bay is not with the designated area the overall impact to the village would be awful</p> <p>I wish to register my strong disapproval and don’t think this application should be approved. I understand that there have already been many objections to this application and wish to add mine to this</p>
22	New Rd Newton	<p>We wish to register our objection to the attached application due to the proximity to our address and the nearby residents. The main objection is the outdoor music until 2am!</p>
23	Bridgend Road	<p>With reference to the proposed variation of a Premise Licence by Upperbay Limited in respect of Premises known as Trecco Bay Leisure Park, Entertainment Complex, Trecco Bay, Bay View Road,Porthcawl, CF36 5NG I hereby give you formal notice that I object to the proposed variation to extend live and recorded music outdoors Monday to Sunday 1000 to 0200 the following morning, opening hours to be extended Monday to Sunday 24 hours a day.</p> <p>If this proposal went ahead it would bring excessive noise levels to the area where I live, I could not go out into my garden to enjoy my garden and I believe</p>

		it would have a decremental impact on my health and my wife's health due to the continuous noise levels.
24	No address within email	<p>Good afternoon i am writing to you to object the Park Dean requestsevening outdoor music .</p> <p>Trecco bay is a family resort so why would music played until 2 in the morning outside would be a good idea . It will deter families from staying at the site and would encourage more drinking and a different type of people staying at the site . Also it will be heard by local residents who live near the site . this is really an absurd request and should not be granted please .</p>
25	No address within email	<p>I would like to strongly oppose to the application for the extended music licence for outdoors at Trecco Bay.</p> <p>As a local resident it will be detrimental to the area. I'm hoping this is a joke as I just can't understand any rational common sense for this to proceed.</p> <p>Newton is a lovely part of Porthcawl and to have a music licence extended outside is just in-comprehensible.</p> <p>Please consider the residents of Newton and the effect it would have on locals just to have music until 2am.</p>
26	Newtown Nottage Road	<p>Proposal(s): Extension of live and recorded music outdoors 10pm to 2am. Opening hours to be extended Monday to Sunday to 24 hours per day.</p> <p>I wish to object to both the above proposals for the following reasons;</p> <p>Extension of live and recorded music outdoors to between 10pm and 2am</p> <p>I fully believe the residents of Newton living nearby Trecco Bay Leisure Park such as my family and me do not need to hear music beyond 10pm on any given day. During the spring and summer months householders sitting in their gardens or visitors walking through the village can clearly hear the music to so much extent that the words of the song or the voice of the person on the sound system can be clearly heard. Whilst this is disturbing and not necessarily what visitors to the village want to hear when walking through or sitting on the green, it is accepted and residents admit that entertainment is vital for Trecco Bay</p>

		Leisure Park to flourish and attract more visitors and increase the local economy. However, for that to be extended to 2am is completely unnecessary and has no benefit other than to increase the profits of the leisure park owners to the detriment of a peaceful existence for the nearby residents.
27	No address within email	<p>I have seen on social media that two applications have been submitted to the Licensing Section at BCBC for Trecco Bay Leisure Park, Porthcawl. The first application proposed is to extend the live and recorded music until 2am seven days a week....</p> <p>As a Newton resident I have real concerns regarding these proposed plans, and as such, would be grateful if you could forward me the detailed plans and any documentation that is available for inspection by the public.</p>
28	Birch Walk, Newton	<p>i strongly object to the below and wish my objection to be noted and recorded.</p> <p>I object on every grounds possible and no such licence should be awarded even for 1 day. The Council will be letting down all the hard-working and long standing residents of Porthcawl if they allow this through. I put my trust in you to turn down this application. Common sense is in very short supply these days and i trust you as our officials will see that this is an awful application and will turn it down on every noise related and late night disturbance related issues possible.</p>
29	Address not specified	<p>It has come my attention as a householder in Beach Rd, Newton, Porthcawl that the proposed variation to give Carte Blanche freedom to blast outdoor music and events 24/7 from 10am to 2am is totally at odds to local neighbours.</p> <p>We will to register our objection to this irresponsible application.</p>
30	St John's Drive	To whom it may concern,

		<p>I have been made aware of a notice from Trecco Bay Leisure Park, requesting a change of licence for outdoor music.</p> <p>I strongly object to the changes proposed and the potential negative impacts this would undoubtedly have on our family and neighbouring community. Our street (Saint John's Drive) is in very close proximity to the park. Previous outdoor events which occurred on a few occasions last summer were overwhelming loud, invasive and distressing for us.</p> <p>I feel that any changes of licence regarding outdoor music and sale of alcohol will potentially have a detrimental effect on the wider community. We already have issues with loud, drunken behaviour from Trecco Bay visitors any extension to hours or changes could exacerbate this.</p> <p>I appreciate you taking the time to listen to those that these changes may effect and to consider how the wider community could be troubled.</p>
31	No address provided	<p>I have just heard about Trecco Bay caravan park applying for a license to play live music until 2am. I am appalled. I live in Newton and will be within the sound travelling area. Health wise for me, and many others, sleep is very important. Trecco is a place for families, how will those with children manage to enjoy their holidays when their children don't sleep.</p> <p>Porthcawl is famous for its beaches, how about we concentrate on advertising this beautiful seaside town for its beaches, fish and chips, and being safe and clean holiday destination for families.</p> <p>Please don't allow loud music till 2am, choose a sensible time.</p>
32	No address provided	<p>I am writing to raise my concerns and object to the extension of the licensing hours of holding outdoor music every night until 2am at the holiday camp.</p> <p>Residents of Newton and Porthcawl were subjected to outdoor music events during the lockdown and the noise was unacceptable. The only consolation was that they had to close down at a reasonable time (11pm). To extend this is beyond any level of acceptance. I appreciate that people are there to enjoy</p>

		<p>themselves whilst on holiday, but consideration must be given to the local residents of Porthcawl and Newton. The outdoor Karaoke events held during last summer were quite frankly horrendous. The only relief came at the 11 pm shutdown. When sitting in your own garden for a relaxing evening you don't want to be subjected to loud noise and people's assumption that they can sing ! The continuous squawking just spoils your quiet evening. Monday through to Sunday is far too much for local residents to put up with. Friday and Saturday would be just about tolerable. .</p> <p>Please consider the elderly (of which there are many) in Newton and Porthcawl together with people getting up for work early in the morning. It's not too much to ask as porthcawl residents have tolerated the holiday camp for many many years.</p>
33	No full address within email	<p>I am writing to strongly object to the proposed extension to outdoor music licencing hours proposed by Parkdean.</p> <p>Last summer was miserable for the residents of Newton on many nights. The outside karaoke was awful and very loud, the noise reaching us on Danygraig Avenue. My 92 year old mother lives with us and there are many more in her age group in Newton. It's unacceptable that rate paying residents should have to endure this just to satisfy the entertainment of the occasional visitor.</p> <p>Please consider the needs and wishes of local people before those of a multi million pound holiday park.</p>
34	Birch Walk Newton	<p>I have been made aware of a licensing application in respect of Trecco Bay Leisure Park at that this application asks to extend its current live and recorded music license Monday to Sunday 1000 to 0200 and opening hours to be extended to a 24hr license.</p> <p>I wish to object to the current application on the grounds that this could have an impact on resident wellbeing if music is to be played till 0200 Monday to Sunday.</p> <p>I understand that we live within close proximity to Trecco Bay and in the main enjoy a good relationship between residents and Trecco Bay. However, with a</p>

		<p>South Westerly prevailing wind, noise travels from Trecco Bay to Newton and Danygraig. This if the application is successful can have a negative impact on resident wellbeing, this view is reinforced by an event held at Trecco Bay on the 28th July 2021 where music could be clearly heard and recognisable to myself and residents.</p> <p>This is the basis of my objection. I am happy to accept an extension over the weekend Friday and Saturday and Sundays on bank holidays but not till 0200, the latest should be midnight. An extension till 0200 during the working week can have a devastating impact on residents of which we have a good mix of elderly and working residents as well as those families with young children.</p> <p>I would urge the licensing committee to look closely at this application and properly assess the impact on residents within the immediate area and that a solution is found that benefits both Trecco Bay and the residents of Newton.</p>
35		Withdrawn
36	Newton Nottage Road Newton	As a resident of Newton Village I object to the application by Parkdean Leisure Park to extend their outdoor music license on the grounds of noise pollution. There was an instance last summer when an event was held and due to the wind direction the noise was unacceptable here in the village.
37	Newton Village	<p>Having endured the most horrendous noise from the Park Dean Caravan Park site last summer which meant that we were unable to sleep or even hear ourselves talk, we were horrified to read in the newspaper that an application has been made to allow music from 10am until 2am at the same site.</p> <p>As residents of Newton-Village which is a conservation area we feel that this is totally inappropriate.</p> <p>If a licence is granted, rest assured that the Council will constantly be asked by Porthcawl and Newton residents to come out to check noise levels.</p> <p>This area of Newton is a residential area which includes a nursing home at the entrance of the caravan park.</p> <p>We do therefore object in the strongest possible way to the granting of this music licence.</p>

38	The Burrows	<p>To whom it may concern.</p> <p>I have just read a report saying Trecco Bay Caravan Park in Porthcawl have asked to extend their license for live music until 2am every day? That is absurd and totally unacceptable. I would wholeheartedly totally disagree with this proposal. There are many older folk in Porthcawl and of course working people. Even discussing this as a possibility is preposterous! No.no.no.no!!!</p>
39	Birch Walk	<p>I, as a resident of Newton Porthcawl and would like to lodge my objection to the extension of music until 2 a.m. 7 days a week.</p> <p>We as residents have a right to enjoy peace and quiet so we can have rest and not be bothered by music being blasted away at this ridiculous time of night/morning. The created noise, depending on the wind direction can be heard over a wide area.</p> <p>The people using the site may be on holiday and have the right to enjoy their holiday but not at the expense of the residents. These are family parks so why does Parkdean want to have this extension other than to sell more alcohol with the attendant risks of violence from youngsters who are not on holidays but will be attracted to the 'club' seen that will develop.</p> <p>11 p.m. would seem reasonable and then not for 7 days a week. As I have said this is the thin edge of the wedge to the development of a nightclub environment which is not appropriate for this area.</p>
40	Bridgend Road Newton	<p>I am writing in response to the recent application by Trecco Bay Leisure Park to extend their music/entertainment licence.</p> <p>I'm horrified to read that they want to be able to play music from 10 am til 2 am 7 days a week! Surely this can't be acceptable?</p> <p>The summer months in Newton are already filled by the sounds from the camp late into the night and can be disturbing.</p>

		<p>If they are allowed to play music until 2 am it will be nothing less than a public nuisance.</p> <p>We are also plagued by music generated by the fairground (particularly when the wind blows in this direction), so the thought of both together is unimaginable.</p> <p>I don't want to be a party pooper but this isn't something local residents should have to put up with for most of the year when the camp is open. People should be entitled to a fairly quiet life in their own garden and home but this would put paid to that for so many.</p>
41	No address provided	<p>As a resident in Newton and very close to the Trecco bay camp I am writing to object to the preposed 10am till 2am music being played outside They have already tried the outside live music which blasted out all over the village making life unbearable for all us residents so I strongly object on the grounds of noise pollution. I have to get up at 6am each morning and four hours sleep is certainly not what I want or need.</p>
42	No address provided	<p>My wife and I are residents of Newton Porthcawl and wish to put on record our clear objection to this licence request.</p> <p>I recognise the good impact of Parkdean on the local economy, however this request is a step to far.</p> <p>Residents of Newton/Porthcawl should be able to sleep at night without noise pollution.</p>
43	No address provided in email	<p>On behalf of residents in Nottage . We strongly oppose the application for the extension of license at Trecco Bay. Although we live some distance away we are able to hear anything going on at Trecco due to the volume of noise. I dread to think how a successful application would affect houses in closer proximity to the bay. Please consider the implications of this application very closely.</p>

44	<p>Clevis Hill, Newton</p>	<p>I write as an extremely concerned resident of Newton Village in respect of the above application to vary the licence for music at Trecco Bay outdoors until 02.00am.</p> <p>I object totally to this application and seriously hope that BCBC will not even consider approving such a ridiculous application.</p> <p>Last summer there was an outdoor music event at Trecco Bay and the music was so loud that we rang around our neighbours asking who was having a festival in their garden! All evening with all of our double glazed windows closed we had to turn the volume of our TV up to be able to hear it above the music.</p> <p>We had to close our double glazed windows to try to sleep when we really wanted them open as it was so hot. Even then we were unable to sleep because of the obscenely loud music which went on until at least 10.30pm! I have been to many music festivals and outdoor concerts over the years but thought that noise from this event was louder to the point of being totally ridiculous.</p> <p>The following morning we had conversations with friends living in Bryneglwys, The Burrows and also Danygraig Avenue and all had suffered the same disturbance of their night due to the event.</p> <p>As far as I am aware Trecco Bay has a late music licence for Indoor events which allows them to conduct such events without a noise polluting effect to the local area and population.</p> <p>Approving an outdoor licence would have a noise polluting effect on the whole Village of Newton and the Danygraig area and would negatively impact the lives, welfare and mental and physical health of the whole of the population living in the area.</p> <p>I urge you to consider your responsibilities to the people living in BCBC and in this instance the welfare of the local people living in Newton when looking at</p>
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		this application as opposed to a small number of people that might visit the area for a few days once in their lifetime.
45	Mackworth Road	<p>We are extremely concerned that this proposed extension to open air musicare even being considered by Bcbc. The proposed extension should be rejected from both a noise, nuisance, safety and mental health viewpoint.</p> <p>On a summer evening and with the wind in the right direction noise travels from Newton to Nottage so this will affect all Porthcawl residents in a negative respect.</p> <p>Newton, Porthcawl and Nottage are residential areas for many older people , the increase in noise and nuisance will affect their mental health and cause increased stress to many.</p> <p>There is no local support for this extension this is bourne out by the large number of complaints to an event held at Trecco Bay on July 28th 2021. Should this license be granted it will prove , once again, that Bcbc does not have the interests of Porthcawl residents at its heart and takes no heed of their concerns.</p> <p>We look forward to hearing from you regarding this matter.</p>
46	No address provided in email	<p>Hi, as a resident of Newton, I would like to object to the application of licensing music and alcohol in trecco bay caravan park.</p> <p>Last year they held two outdoor events and both were disruptive however one finished at 11pm which is far more acceptable.</p> <p>I hope you take residents into consideration as this is a ludicrous application.</p>
47	Birch Walk	<p>We object to the above bring granted a licence to play music until 2am.</p> <p>The sound will carry far and wide from the camp. Everyone will suffer broken sleep leading to short tempers, loss of concentration at school. What happens in the warmer nights when people have windows wide open.</p> <p>We strongly object.</p>

48	New Rd	<p>I have read that Trecco bay have applied for a license to have live music and recorded music in the park until 2am 7 days a week.</p> <p>I live opposite Trecco Bay and feel that this would spoil the area and cause a lot of unruly behaviour, as people will be drinking alcohol until they close, it would also encourage outsiders to the park as there are very few places that stay open until late. There have already been incidents in the park requiring the police to be called, this will only escalate the problems. As it is , it is fine and we don't get too much trouble but I think if it is allowed to open until 2am, there is going to be more noise..</p>
49	Newton	<p>We understand that the above have applied for a variation to its premises License which would allow live & recorded music outdoors from 1000 until 0200 the following day from Monday to Sunday.</p> <p>We strongly object to such a License being granted. We are elderly residents living in the heart of Newton Village and the thought of such loud music emanating from an area so close by is outrageous. The comfort of this peaceful and quiet village would be forever lost. We sincerely hope this application will be rejected.</p>
50	Clevis Hill	<p>I wish to object to the applicants application to vary the existing premises license for Trecco Bay by extending the license for outdoor use. I have lived in the Porthcawl area for most of my 71 yrs. Firstly in Green Avenue which is to the west of the fair and during the summer months especially when the wind blew from the East there was the constant back ground noise coming from the fair which usually ceased round about 10.pm. This noise was not objectionable. For the last 40 yrs I have lived in Newton village which is closer to Trecco bay than the fair was when I lived in Green Avenue. There has been no noise issue coming from Trecco bay since I have lived in Newton until last summer when Trecco bay had a open air concert which if I recall lasted several days. The music could be heard clearly from my garden in Clevis Hill and even when indoors again the music could be heard. I didn't complain as I understood this</p>

		was a one off event and I believe the music stopped around about 10pm. If Upperbay application is granted then the quiet enjoyment of my property will be severely affected both inside and outside. I would imagine those living closer to the site will be even more disturb than myself.
51	No address provided	I am writing to oppose proposed live outdoor music at trecco bay from 10 until 2am. This is appalling and would disturb all childrens and adults sleep and rest, The people that live in the area pay a huge amount of money in rates and deserve better.
52	No address provided	I wish to register my objection to the extension of this licence as it will undoubtedly constitute noise pollution in the area. The period of the extension being until 2am every day seems unreasonable. An extension for particular occasions would be adequate.
53	St Johns Drive Newton	My husband and I have lived in St Johns Drive for 27 years this year. We raised our two children here. Over the years we have seen many changes to Trecco Bay and have never before seen fit to object to any of their planning applications until now. And here is why: NOISE POLLUTION - the current sales area is about 60m from our boundary wall and at certain periods in the summer or school holidays they have events with singers and live or recorded music. Depending on which way the wind is blowing, it's as if it's taking place in our garden! Last summer they held a live event with an out door band which started at 3pm and continued until well after 10pm. It was deafening, drew in lots of unwanted people and so many people in Newton we're asking what had gone on because they could hear it thumping out as it was so loud! ELDERLY RESIDENTS - there are many elderly residents in this street and Newton in general - many have health issues. Issuing this licence will certainly ruin their quality of life (as well as all the residents) and lead to sleep depravation. We need to continue respecting local people. We are wondering if the site has written to caravan owners/residents regarding this application?

		<p>HEALTH DUE TO SLEEP DEPRAVATION - my husband for example gets up at 6am every morning for work. can you imagine only being able to have 4 hours sleep per night because if the outdoor music was anything to go by that one night last summer, there is no way anyone could sleep through the annoying din. Why should he or anyone getting up as early suffer?</p> <p>Approving this application would wreck peoples lives therefore reducing the quality of life. Unwanted and harmful noise, disrupted sleep, increased levels of stress, irritation and fatigue as well interfering with important activities such as working, learning and relaxing.</p> <p>Please do the right thing and save us all from the fear of crime that granting this licence would surely bring along with the major unhappiness that loud music until the early hours would cause.</p>
54	Porthcawl Civic Trust via (Honorary Secretary)	<p>Dear Councillors and Officers,</p> <p>Members of the Society have expressed their great concern regarding the above application.</p> <p>The application will probably have an adverse impact on the residential amenity of neighbouring properties in that it might lead to an increase of noise and disturbance.</p> <p>Porthcawl Civic Trust</p>
55	Request for Name and address to be withheld	<p>I would like to very strongly oppose the application for trecco bay leisure park to extend their licensing for outdoor music & drink license.</p> <p>It will stop me enjoying my own home & area, for example last year they had an outdoor karaoke that was so loud i was unable to open my doors or windows on a hot day nor was i able to enjoy my garden. I had to be driven out of area and sit in a car, i'm disabled and this was not good for me. This incident went all day until midnight. Potentially Coping with this every day or even 1 day a week</p>

		<p>would be severely detrimental to myself & elderly neighbours. It would mean not being able to enjoy my home, not be able to sleep until it finished, nor would i be able to go to newton beach or dunes which is where i would go.</p> <p>This would also bring damage & noise past 2am as potential drunks leave the area disturbing residents.</p> <p>Trecco has shown no care to locals in the volume of music they have played previously outdoors which disturbed most residents last year. I tried to contact trecco & noone answered even post event there was no communication after i lodged a complaint with them it was ignored. It is considerable noise pollution something that should not be encouraged. Granting them their application would force me to move from an area i moved to for the quiet & away from family. I would not be able to enjoy my home or garden in nice weather & as someone who is now mostly housebound this would be devastating to me & would be no exaggeration to say would ruin my life. I also wonder how people who work & go to school or college could manage after very little sleep. Its a disaster waiting to happen.</p> <p>I urge you to consider the residents & how far the volume & noise travels in this area. Please put residents comfort before pound notes & please don't grant this application for outdoor music.</p>
56	St Johns Drive	<p>I wish to make a representation with regard to the License Application variation by Upperbay Limited with regard to the premises at Trecco Bay Leisure Park, Porthcawl to extend the performing of outdoor music to 2:00 am daily</p> <p>I am a resident of St Johns Drive, Porthcawl, which is adjacent to Trecco Bay Leisure Park. I understand that it is a Leisure Park, needs to operate commercially, pre-existed my residence in St Johns Drive and is an important part of the economy of Porthcawl and Bridgend County.</p> <p>However I wish to make representation on two licensing objectives:</p> <p>1) The performance of music outdoors until 2:00 am daily would constitute a "public nuisance". Clearly the sound of musical performances would carry across the surrounding ward of Newton and potentially more widely across</p>

		<p>Porthcawl as it does occasionally now. Residents, many of whom are retired, many of whom are working adults and many schoolchildren would be adversely impacted, i.e. kept awake, by such activities into the early hours of the morning impacting on potentially frail pensioners, adults who need to get up early for work and schoolchildren who need to attend school with a rested mind. For this to go on until 2:00 am and frequently I believe constitutes a public nuisance within the definitions of the licencing objectives. As a commercially operating Leisure Park then I am not suggesting totally banning outdoor music but suggest this should be kept to 11:00pm and only on Friday and Saturday outside of standard working days and school days.</p> <p>Thankyou for this opportunity to make my representation.</p>
57	Clevis Crescent	<p>Bore Da</p> <p>Hoffwn gwrthwynebu'r cais o Park Dean i cael estyniad i'w oriau trwyddiedig. Rydyn ni'n byw yn Clevis Crescent ac yn aml iawn mae cerddoriaeth Trecco mor uchel mae rhaid i ni cau ffenestri'r ty. Rydw i' cydnabod fod y gwynt yn chwarae ei rhan yn hyn ond ta beth dydw i ddim eisiau dioddef niwsans swm trwy'r nos.</p> <p>Hefyd, does dim angen i'r sefydlu ar fod ar agor tan oriau man y bore. Mae Trecco yn lle gwyliau i teuluoedd ac mae cael cyfleoedd i yfed tan 2 yn gwrthwyneb i hyn.</p> <p>Diolch</p> <p>Good morning</p> <p>I would like to oppose the application from Park Dean to extend its licensing hours. We live in Clevis Crescent and Trecco's music is often so loud we have to shut the windows of the house. I recognise that the wind plays its part in this but I don't want to suffer from noise nuisance all night.</p>

		<p>Also, the establishment does not need to be open until the early hours of the morning. Trecco is a holiday destination for families and getting opportunities to drink until 2am is the opposite of this.</p> <p>Thank you</p>
58	No address provided	<p>Regarding the recent application to allow music until 0200 I must object strongly to this application, the camp is in a residential area, the noise is already very disruptive, as are some visitors, and camp activities, granting such a licence will without doubt have a extremely damaging effect on the health and mental wellbeing of people living within a mile or so of the camp, depending on wind direction, so basicly most of Porthcawl will have noise pollution from what is already becoming a extremely noisy neighbour</p>
59	No address provided	<p>We already experience various sounds emanating from the Caravan Park. When the wind is blowing in a certain direction we can hear bingo calling & loud music. This is particularly annoying in the Summer when sitting outside enjoying the sunshine.</p> <p>Have the owners of the Park considered that the majority of the population in the Danygraig area are elderly who need their sleep. Not very considerate considering they claim to always take their responsibility to be a good neighbour very seriously.</p> <p>Added to this they now want to extend live & recorded music outdoors from Monday to Sunday 10.00 to 02.00 the following morning, opening hours to be extended Monday to Sunday 24 hours a day. We would happily sign a petition against this proposal.</p>
60	Bryneglwys Ave Newton	<p>I would like to object to Trecco Bays apication to have music from 10am until 2am daily and opening 24 hours a day.</p>

		<p>I live in Newton village. Last summer Trecco Bay held an all day outdoor music karaoke event due to covid restrictions. It was incredibly loud and went on all afternoon and evening. We could not open the windows due to the noise. We could not relax in the garden or enjoy our day off.</p> <p>I cannot imagine how much this will impact on our quality of life if it were once a week let alone daily. Newton is a quiet village enjoyed by residents and visitors alike.</p> <p>Could I remind you of your own guidelines.</p> <p>Please read below Government and Welsh Government guidelines.</p> <p>The quote by the Environment Minister (see above message).</p> <p>Noise Act (1996) 'the period between 11.0pm and 7.0 am is considered 'night hours'. Therefore, any excessive and overly loud sounds represent noise pollution and anti social behaviour and, consequently is seen as illegal'.</p> <p>'The Welsh Government considers environmental noise as an airborne pollutant'.</p> <p>Welsh Government 'Exposure to moderate levels of noise over long periods of time can amount to a reduction in well-being and quality of life'.</p> <p>Statutory nuisance 'disturbance that interferes significantly with your right to enjoy your home'</p> <p>I know they are going for 7 days in the hope of getting one or 2. This is not acceptable as the Government says it is illegal! This cannot be allowed to happen in any way shape or form.</p>
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61	No address provided	<p>I wish to oppose the application for Trecco bay to extend their indoor/ outdoor music license. (Live or recorded music)</p> <p>During the summer months when the majority of residents have their windows open, it is a breach of our rights. And having found the following, specifically the noise act from 1996, it would actually be illegal to make such a change.</p> <p>The Welsh Government Noise and soundscape action plan 2018-2023. Statement by Hannah Blythyn AM Minister for Environment. 'Noise, meaning unwanted or harmful sound, can, in the short term, disrupt sleep and increase levels of stress, irritation and fatigue, as well as interfering with important activities such as learning, working, and relaxing. In other words, it reduces the quality of our lives'.</p> <p>Noise Act (1996) 'the period between 11.0pm and 7.0 am is considered 'night hours'. Therefore, any excessive and overly loud sounds represent noise pollution and anti social behaviour and, consequently is seen as illegal'.</p> <p>'The Welsh Government considers environmental noise as an airborne pollutant'.</p> <p>Welsh Government 'Exposure to moderate levels of noise over long periods of time can amount to a reduction in well-being and quality of life'.</p> <p>Statutory nuisance 'disturbance that interferes significantly with your right to enjoy your home'</p>
62	No address provided	<p>I disagree with ANY alterations to the license.</p> <p>Ref: BCBCLP535</p>

		<p>The Welsh Government Noise and soundscape action plan 2018-2023. Statement by Hannah Blythyn AM Minister for Environment. 'Noise, meaning unwanted or harmful sound, can, in the short term, disrupt sleep and increase levels of stress, irritation and fatigue, as well as interfering with important activities such as learning, working, and relaxing. In other words, it reduces the quality of our lives'.</p> <p>Noise Act (1996) 'the period between 11.0pm and 7.0 am is considered 'night hours'. Therefore, any excessive and overly loud sounds represent noise pollution and anti social behaviour and, consequently is seen as illegal'.</p> <p>'The Welsh Government considers environmental noise as an airborne pollutant'.</p> <p>Welsh Government 'Exposure to moderate levels of noise over long periods of time can amount to a reduction in well-being and quality of life'.</p> <p>Statutory nuisance 'disturbance that interferes significantly with your right to enjoy your home'</p>
63	the Burrows	<p>I must raise my objection to the application by Trecco bay to extend there music licence, this is a residential area and the sound will affect us dramatically. I would also point to the current legislation which prohibits this.</p> <p>The Welsh Government Noise and soundscape action plan 2018-2023. Statement by Hannah Blythyn AM Minister for Environment. 'Noise, meaning unwanted or harmful sound, can, in the short term, disrupt sleep and increase levels of stress, irritation and fatigue, as well as interfering with important activities such as learning, working, and relaxing. In other words,</p>

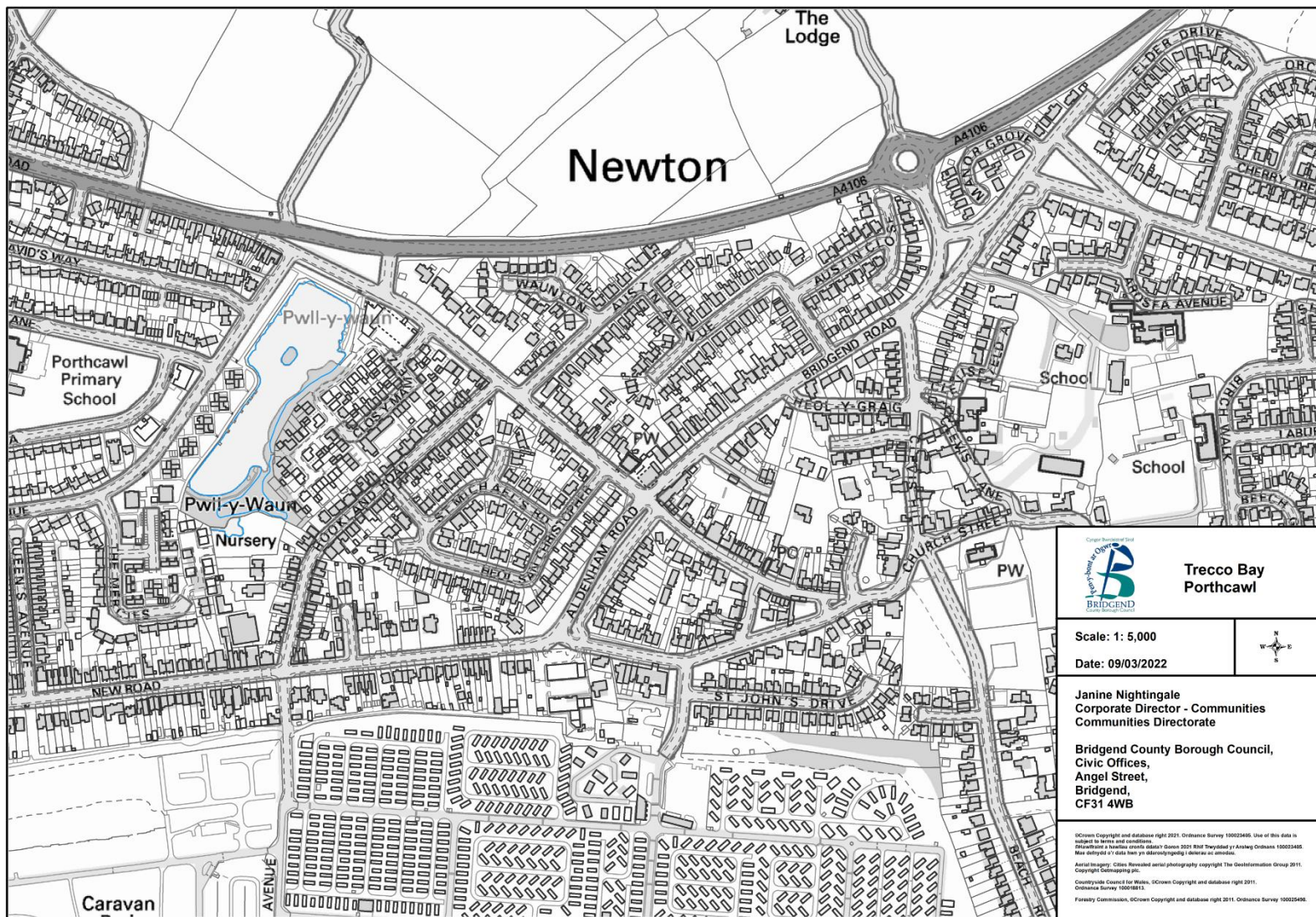
		<p>it reduces the quality of our lives’.</p> <p>Noise Act (1996) ‘the period between 11.0pm and 7.0 am is considered ‘night hours’. Therefore, any excessive and overly loud sounds represent noise pollution and anti social behaviour and, consequently is seen as illegal’.</p> <p>‘The Welsh Government considers environmental noise as an airborne pollutant’.</p> <p>Welsh Government ‘Exposure to moderate levels of noise over long periods of time can amount to a reduction in well-being and quality of life’.</p> <p>Statutory nuisance ‘disturbance that interferes significantly with your right to enjoy your home’</p>
64	No house number given	<p>I'm writing on behalf of my wife and myself to object to the applications to permit sales of alcohol 24hrs per day, and for live and recorded music both inside and outside until 2.00am.</p> <p>We live in Bryneglwys Avenue, backing onto Beach Road and around 50m from the edge of the caravan park. With the wind from the West, which is its usual direction, we get noise from the caravan park when there are events with amplified music and, whereas we have to accept it to be reasonable during the day and evening, subject of course to level, it cannot be too much to ask to be spared that at times when most people expect to be sleeping.</p> <p>I hope that you will take these thoughts into consideration when determining the applications.</p>
65	New Road	<p>I am a resident of Newton Village my address is included at the bottom of the email. I object to the license application from Parkdean for an outdoor venue application with live music from 10am to 2am 7 days a week.</p>

		<p>Last year Parkdean held an outdoor music event which did not go on too late. However the noise was very much a disturbance. Had it carried on until 2am then it would have impacted on our ability to sleep. The wind carries the sound through to Newton and I believe 2am is a completely antisocial time for loud music, outdoors. Passing this license will have a detrimental effect on the lives of all of the residents in Newton.</p>
66	<p>Full address not provided (Newton resident)</p>	<p>Good evening</p> <p>I am writing to note my objection to the extended hours for entertainment and opening of outlets within trecco bay caravan park. I disagree with ANY alteration to their licence.</p> <p>The Welsh Government Noise and soundscape action plan 2018-2023. Statement by Hannah Blythyn AM Minister for Environment. 'Noise, meaning unwanted or harmful sound, can, in the short term, disrupt sleep and increase levels of stress, irritation and fatigue, as well as interfering with important activities such as learning, working, and relaxing. In other words, it reduces the quality of our lives'. Noise Act (1996) 'the period between 11.0pm and 7.0 am is considered 'night hours'. Therefore, any excessive and overly loud sounds represent noise pollution and anti social behaviour and, consequently is seen as illegal'. 'The Welsh Government considers environmental noise as an airborne pollutant'. Welsh Government 'Exposure to moderate levels of noise over long periods of time can amount to a reduction in well-being and quality of life'. Statutory nuisance 'disturbance that interferes significantly with your right to enjoy your home'</p> <p>Last summer, on one occasion, trecco had outdoor entertainment, I believe karaoke was the main event. The level of noise was disruptive and unacceptable. It was a very hot day but we were unable to have windows open in the bedroom because of the excessive volume from the park. My 2 year old would not have slept through that noise but instead had a hot, stuffy bedroom.</p> <p>This can not be a regular occurrence. It is simply unacceptable in a residential</p>

		<p>area.</p> <p>Please note my objection to the application.</p>
67	Clevis Lane Newton	<p>Dear Sir/Madam</p> <p>With reference to the request for a change in license at Trecco Bay Holiday Park, Porthcawl from 1000 till 0200, I must object to this outrageous request as a Resident living in Porthcawl and within a mile of the camp.</p> <p>As outlined below, on the 28th July 2021, Trecco Bay held an outdoor event that was absolutely disgraceful, unmanaged and totally disrespectful of any resident of Porthcawl. The noise level was louder than any event, band or festival I have attended, absolutely disgraceful.</p> <p>On the night I went to Trecco Bay, complained to the organiser who showed no interest, the next day I sought out the manager who was unavailable. Whilst at the reception there were a number of Trecco Bay residents complaining. I spoke to BCBC directly who had a number of complaints logged.</p> <p>I know of a number of residents who were appalled at the event and its anti-social impact.</p> <p>BCBC have a duty of care to the residents and rate payers of Porthcawl, BCBC should be ensuring behaviour is acceptable in line with decency and consideration, granting a wildly extended music and alcohol license would be detrimental to all who live in the town. As the owners of the park have already proven they have no consideration for the borough and its residents.</p> <p>Based on the above and below, no alterations should be considered for Trecco Bay of any description.</p> <p>Regards</p>

		<p>Clevis Lane Newton</p> <p>Hello Parkdean</p> <p>This email is to complain about the live music event that took place at Trecco Bay on the 28th July from around 730-1030</p> <p>We live approx 1 mile away and the noise level was extraordinary and very intrusive, it was anti social on every level. Our 4 Grandchildren were all woken up and this was with the windows closed.</p> <p>It was absolutly disgraceful and we have lodged complaints with Bridgend Council and South Wales Police.</p> <p>It was so loud I went down the site and spoket o a sound engineer and said it was way to loud, he said it was a licenced event and he would do nothing about it.</p> <p>This morning I tried to contact (Site manager?) at Reception, there were guests in the area who also thought the level was a disgrace.</p> <p>Over all I think Parkdean do a great Job in Porthcawl but lasts night event was Anti Social Behaviour and totally disrespectful to everyone in the vacinity.</p> <p>I look forward to yiour comment by reply.</p>
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Home Office

Revised Guidance issued under section 182 of the Licensing Act 2003

April 2018

Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

Each application on its own merits

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

Additional guidance

1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the Gov.uk website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

Other relevant legislation

1.19 While licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:

- The Gambling Act 2005
- The Environmental Protection Act 1990
- The Noise Act 1996
- The Clean Neighbourhoods and Environmental Act 2005
- The Regulatory Reform (Fire Safety) Order 2005
- The Health and Safety at Work etc. Act 1974
- The Equality Act 2010
- The Immigration Act 2016
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

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April 2018

9. Determining applications

General

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

Where no representations are made

9.2 A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn. In these cases, the licensing authority must grant the application in the terms sought, subject only to conditions which are consistent with the operating schedule and relevant mandatory conditions under the 2003 Act. This should be undertaken as a simple administrative process by the licensing authority's officials who should replicate the proposals contained in the operating schedule to promote the licensing objectives in the form of clear and enforceable licence conditions. Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed.

Where representations are made

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

Relevant, vexatious and frivolous representations

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

The role of responsible authorities

- 9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Licensing authorities acting as responsible authorities

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing

⁵ Police and Crime Commissioners are expected to have a central role working in partnership with local authorities, enforcement bodies and other local partners to decide on what action is needed to tackle alcohol-related crime and disorder in their areas. However, the Chief Officer of Police remains the named responsible authority under the 2003 Act.

authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 Smaller licensing authorities, where such a separation of responsibilities is more difficult, may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Health bodies acting as responsible authorities

- 9.20 Where a local authority's Director of Public Health in England (DPH)⁶ or Local Health Board (LHB) (in Wales) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH or LHB will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
- 9.21 Health bodies may hold information which other responsible authorities do not, but which would assist a licensing authority in exercising its functions. This information may

⁶ This change was made as a result of the commencement of measures in the Health and Social Care Act 2012 which amended the 2003 Act and further provision in the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

be used by the health body to make representations in its own right or to support representations by other responsible authorities, such as the police. Such representations can potentially be made on the grounds of all four licensing objectives. Perhaps the most obvious example is where drunkenness leads to accidents and injuries from violence, resulting in attendances at emergency departments and the use of ambulance services. Some of these incidents will be reported to the police, but many will not. Such information will often be relevant to the public safety and crime and disorder objectives.

- 9.22 However, health bodies are encouraged to make representations in respect of any of the four licensing objectives without necessarily seeking views from other responsible authorities where they have appropriate evidence to do so. There is also potential for health bodies to participate in the licensing process in relation to the protection of children from harm. This objective not only concerns the physical safety of children, but also their moral and psychological well being.
- 9.23 Evidence relating to under 18s alcohol-related emergency department attendance, hospital admissions and underage sales of alcohol, could potentially have implications for both the protection of children from harm and the crime and disorder objectives. Health bodies can provide evidence to lead or support representations in relation to this objective. In relation to proxy purchases, data collected by health bodies could be used to inform other responsible authorities, including the police and licensing authorities, about a prevalence of proxy purchasing in a particular area. For example, the police could use this data to tackle instances of 'shoulder tapping' (where under 18s approach adults to buy alcohol on their behalf) and to suggest measures which retailers might be able to take to ensure, as far as possible, that they are not knowingly selling alcohol to an adult who is buying on behalf of a person aged under 18. Although less obvious, health bodies may also have a role to play in the prevention of public nuisance where its effect is prejudicial to health and where they hold relevant data.
- 9.24 DPHs and LHBs will need to consider how to collect anonymised information about incidents that relate to specific premises or premises in a particular area (for example, a cumulative impact zone). Many areas have already developed procedures for local information sharing to tackle violence, which could provide useful evidence to support representations. The College of Emergency Medicine has issued guidelines for information sharing to reduce community violence which recommends that data about assault victims should be collected upon admission to emergency departments, including the date, time and location of the assault – i.e. the name of the pub, club or street where the incident occurred. Sometimes, it may be possible to link ambulance callouts or attendances at emergency departments to irresponsible practices at specific premises, such as serving alcohol to people who are intoxicated or targeting promotions involving unlimited or unspecified quantities of alcohol at particular groups.

Home Office Immigration Enforcement acting as a responsible authority

- 9.25 The Immigration Act 2016 made the Secretary of State a responsible authority in respect of premises licensed to sell alcohol or late night refreshment with effect from 6 April 2017. In effect this conveys the role of responsible authority to Home Office Immigration Enforcement who exercises the powers on the Secretary of State's behalf. When Immigration Enforcement exercises its powers as a responsible authority it will do so in respect of the prevention of crime and disorder licensing objective because it is concerned with the prevention of illegal working or immigration offences more broadly.

Disclosure of personal details of persons making representations

- 9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.
- 9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.
- 9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.
- 9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.
- 9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

Hearings

- 9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the www.legislation.gov.uk website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

- 9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing. The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.
- 9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.
- 9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.
- 9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.
- 9.36 As noted in paragraphs 9.13 to 9.19 above, where the licensing officer is acting as a responsible authority the relevant steps should be followed to ensure that this individual has no role in the decision making process regarding the licensing determination.
- 9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.
- 9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.41 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

Determining actions that are appropriate for the promotion of the licensing objectives

9.42 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.

9.43 The authority'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.

9.44 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 a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the 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 authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should 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. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority 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.

Considering cases where licensing and planning applications are made simultaneously

- 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

10. Conditions attached to premises licences and club premises certificates

General

- 10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).
- 10.2 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.
- 10.3 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

- 10.4 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 or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club 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.
- 10.5 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

- 10.6 The 2003 Act provides that where an operating schedule or club 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 or certificate 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.
- 10.7 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 or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

Imposed conditions

- 10.8 The licensing authority 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. This provision also applies to minor variations.
- 10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

Proportionality

- 10.10 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. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. 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. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

Naming, packing and promotion in retail premises

- 10.11 The Government acknowledges that the irresponsible naming, packing or promotion of alcoholic drinks may contribute to alcohol related harms. Where there is direct evidence of specific incidents of irresponsible naming, packing or promotion of alcoholic drinks linked to the undermining of one of the licensing objectives, licensing authorities should, in the exercise of their licensing functions (in particular, in relation to an application for the grant, variation or review of a premises licence), consider whether it is appropriate to impose conditions on licences that require the licence holder to comply with the Portman Group's Retailer Alert Bulletins. This condition should be considered on a case by case basis and in the context of the promotion of the licensing objectives.
- 10.12 The Portman Group operates, on behalf of the alcohol industry, a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach of the Code,

the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until there has been compliance with the decision.

Hours of trading

- 10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

The performance of plays

- 10.16 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play⁷ which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

Censorship

- 10.17 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their access should be restricted where appropriate. But no other limitation should normally be imposed.

Major festivals and carnivals

- 10.18 Licensing authorities should publicise the need for the organisers of major festivals and carnivals to approach them at the earliest opportunity to discuss arrangements for licensing activities falling under the 2003 Act. For some events, the organisers may seek a single premises licence to cover a wide range of activities at varied locations

⁷ See chapter 15 for when a performance of a play is licensable.

within the premises. This would involve the preparation of a substantial operating schedule, and licensing authorities should offer advice and assistance about its preparation.

- 10.19 For other events, applications for many connected premises licences may be made which in combination will represent a single festival. It is important that licensing authorities should publicise the need for proper co-ordination of such arrangements and will need to ensure that responsible authorities are aware of the connected nature of the individual applications.
- 10.20 Local authorities should bear in mind their ability to seek premises licences from the licensing authority for land or buildings under public ownership within the community in their own name.⁸ This could include, for example, village greens, market squares, promenades, community halls, local authority owned art centres and similar public areas where festivals and carnivals might take place.⁹ Performers and entertainers would then have no need to obtain a licence or give a temporary event notice themselves to enable them to give performances in these places, although they would need the permission of the local authority to put on the event.

Fixed prices

- 10.21 Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions including where they give rise to a significant risk to any one of the four licensing objectives; the mandatory conditions also prohibit the sale of alcohol below the permitted price, as defined in paragraph 10.56.
- 10.22 Where licensing authorities are asked by the police, other responsible authorities or other persons to impose restrictions on promotions in addition to those restricted by the mandatory conditions, they should consider each application on its individual merits, tailoring any conditions carefully to cover only irresponsible promotions in the particular and individual circumstances of any premises where these are appropriate for the promotion of the licensing objectives. In addition, when considering any relevant representations which demonstrate a clear causal link between sales promotions or price discounting and levels of crime and disorder on or near the premises, it would be appropriate for the licensing authority to consider the imposition of a new condition prohibiting irresponsible sales promotions or the discounting of prices of alcoholic beverages at those premises. However, before pursuing any form of restrictions at all, licensing authorities should take their own legal advice.

⁸ No licence is required for any entertainment provided by or on behalf of a local authority, see paragraphs 15.16-15.19

⁹ The register of public spaces: <https://www.gov.uk/government/publications/licensed-spaces-register>

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

- 10.23 Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises with exceptionally high capacities, which are used primarily or exclusively for the sale and consumption of alcohol, and have little or no seating for patrons. Previous research has demonstrated that the environment within such establishments can have a significant bearing on the likelihood of crime and disorder.
- 10.24 Where appropriate, conditions can be attached to premises licences for the promotion of the prevention of crime and disorder at such premises that require the premises to observe:
- a prescribed capacity;
 - an appropriate ratio of tables and chairs to customers based on the capacity; and
 - a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

Mandatory conditions in relation to the supply of alcohol

- 10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

Designated premises supervisor

- 10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.
- 10.27 The main purpose of the ‘designated premises supervisor’ as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).
- 10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Authorisation by personal licence holders

- 10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.
- 10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.
- 10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.
- 10.32 The following factors should be relevant in considering whether or not an authorisation has been given:
- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
 - the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
 - there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
 - there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.
- 10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.
- 10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.
- 10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

Arrangements for the mandatory licence conditions

- 10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.
- 10.37 Whereas the initial mandatory conditions in section 19 of the 2003 Act are set out in Annex 1 of the licence, the additional mandatory conditions made under section 19A of the 2003 Act are treated as if they were included in existing licences and certificates on the date that those conditions came into force.
- 10.38 Following their commencement, the mandatory conditions overrode any pre-existing conditions already included in a licence or certificate insofar as the mandatory conditions were identical to, or inconsistent with or more onerous than, any pre-existing conditions. It is not necessary to record on the face of existing licences and certificates the impact that the introduction of the mandatory conditions has had on pre-existing conditions.

Irresponsible promotions

- 10.39 Under this condition, the “responsible person” (defined in the 2003 Act as the holder of a premises licence, designated premises supervisor, a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18 or a member or officer of a club present on the club premises who can oversee the supply of alcohol) should be able to demonstrate that they have ensured that staff do not carry out, arrange or participate in any irresponsible promotions. An irresponsible promotion is one that fits one of the descriptions below (or is substantially similar), is carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises. The aim of the condition is to prohibit or restrict promotions which encourage people to drink more than they might ordinarily do and in a manner which undermines the licensing objectives.

Drinking games

- 10.40 Drinking games which require or encourage individuals to drink a quantity of alcohol within a time limit, or drink as much alcohol as possible within a time limit or otherwise, are prohibited. For example, this may include organised ‘drink downing’ competitions. This would not prevent the responsible person from requiring all drinks to be consumed or abandoned at, or before, the closing time of the premises. Nor does it necessarily prohibit ‘happy hours’ as long as these are not designed to encourage individuals to drink excessively or rapidly.

Large quantities of alcohol for free or a fixed price

10.41 Irresponsible promotions can include the provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted price, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This includes alcohol provided to the public or to a group defined by a particular characteristic, for example, a promotion which offers women free drinks before a certain time or “all you can drink for £10”. Promotions can be designed with a particular group in mind (for example, over 65s). A common sense approach is encouraged, which may include specifying the quantity of alcohol included in it or not targeting a group which could become more vulnerable or present a greater risk of crime and disorder as a result of excessive alcohol consumption.

Prizes and rewards

10.42 The sale, supply or provision of free or discounted alcohol or any other item as a prize to encourage or reward the purchase and consumption of alcohol can be within the definition of an irresponsible promotion, where there is a significant risk that such a promotion would undermine one or more of the licensing objectives. This may include promotions under which free or discounted alcohol is offered as a part of the sale of alcohol, for example, “Buy one and get two free” and “Buy one cocktail and get a second cocktail for 25p”. This includes promotions which involve the provision of free or discounted alcohol within the same 24 hour period.

Posters and flyers

10.43 Irresponsible promotions can also include the sale or supply of alcohol in association with promotional materials on display in or around the premises, which can either be reasonably considered to condone, encourage or glamorise anti social behaviour or refer to the effects of drunkenness in any favourable manner.

Dispensing alcohol directly into the mouth

10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the ‘dentist’s chair’ where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers’ mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

Free potable water

10.45 The responsible person (see paragraph 10.39) must ensure that free potable water is provided on request to customers where it is reasonably available on the premises. What is meant by reasonably available is a question of fact; for example, it would not be reasonable to expect free tap water to be available in premises for which the water supply had temporarily been lost because of a broken mains water supply. However, it may be reasonable to expect bottled water to be provided in such circumstances.

Age verification

- 10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.
- 10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.
- 10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.
- 10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.
- 10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

Smaller measures

- 10.51 The responsible person (see paragraph 10.39) shall ensure that the following drinks, if sold or supplied on the premises, are available in the following measures:
- Beer or cider: ½ pint
 - Gin, rum, vodka or whisky: 25ml or 35ml
 - Still wine in a glass: 125ml

- 10.52 As well as making the drinks available in the above measures, the responsible person must also make customers aware of the availability of these measures by displaying them on printed materials available to customers on the premises. This can include making their availability clear on menus and price lists, and ensuring that these are displayed in a prominent and conspicuous place in the relevant premises (for example, at the bar). Moreover, staff must make customers aware of the availability of small measures when customers do not request that they be sold alcohol in a particular measure.
- 10.53 This condition does not apply if the drinks in question are sold or supplied having been made up in advance ready for sale or supply in a securely closed container. For example, if beer is only available in pre-sealed bottles the requirement to make it available in 1/2 pints does not apply.
- 10.54 The premises licence holder or club premises certificate holder must ensure that staff are made aware of the application of this condition.

Ban on sales of alcohol below the permitted price

- 10.55 The relevant person (the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, the personal licence holder who makes or authorises a supply of alcohol under such a licence, or any member or officer of a club present on the premises in a capacity which enables the member or officer to prevent the supply in question) shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 10.56 The permitted price is defined as the aggregate of the duty chargeable in relation to the alcohol on the date of its sale or supply and the amount of that duty multiplied by a percentage which represents the rate of VAT chargeable in relation to the alcohol on the date of its sale or supply. Detailed guidance on how to make this calculation and a calculator to determine permitted prices for each product are available on the Home Office website.
- 10.57 Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.
- 10.58 It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.

Exhibition of films

- 10.59 The 2003 Act provides that where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (currently only the British Board of Film Classification (BBFC)) or by the licensing authority itself.
- 10.60 The effect of paragraph 5 of Schedule 1 to the 2003 Act is to exempt adverts from the

definition of regulated entertainment, but not exempt them from the definition of exhibition of a film. Since the above mandatory condition applies to 'any film', it is therefore applicable to the exhibition of adverts.

Door supervision

- 10.61 Under section 21 of the 2003 Act, when a condition is included in a premises licence that at specified times an individual must be present at the premises to carry out a security activity (as defined in section 21(3)(a) by reference to the Private Security Industry Act 2001 ("the 2001 Act")), the licence must include a condition requiring that individual to be licensed by the Security Industry Authority ("the SIA") under the 2001 Act, or be entitled to carry out that activity by virtue of section 4 of the 2001 Act.
- 10.62 A premises licence need not require a person to hold a licence granted by the SIA if that person benefits from an exemption under section 4 of the 2001 Act. For example, certain employees benefit from an exemption when carrying out conduct in connection with a certified sports ground (section 4(6) to (12)). Furthermore, in certain circumstances persons benefit from an exemption where they operate under the SIA's Approved Contractor Scheme (section 15).
- 10.63 Conditions under section 21 of the 2003 Act should only relate to individuals carrying out security activities defined by section 21(3)(a) of the 2003 Act. Therefore, they should only relate to an activity to which paragraph 2(1)(a) of Schedule 2 to the 2001 Act applies (certain manned guarding activities) and which is licensable conduct within the meaning of section 3(2) of that Act. The requirement does not relate to individuals performing non-security related activities, and section 21 should not be used in relation to any such activities.
- 10.64 Section 21 of the 2003 Act continues to ensure that a premises licence need not impose such a requirement in relation to those licensed premises which the 2001 Act treats as unlicensed premises. Those are:
- premises in respect of which there is in force a premises licence authorising a performance of a play or an exhibition of a film;
 - casinos or bingo halls licensed under the Gambling Act 2005;
 - premises where a club certificate is in force when activities are being carried on under the authority of that certificate.
- See paragraph 8(3) of Schedule 2 to the 2001 Act for full details.
- 10.65 It should be noted, however, that the 2001 Act will require contractors and a small number of employees (those managing/supervising and those supplied under contract) to be licensed as manned guards (rather than door supervisors) when undertaking licensable conduct on premises to which paragraph 8(3) of Schedule 2 to the 2001 Act applies.
- 10.66 It is therefore important that if a licensing authority intends that individuals must be present to carry out security activities (as defined by section 21(3)(a) of the 2003 Act) this should be explicit, as should the mandatory condition for those individuals to hold an SIA licence or be entitled to carry out that activity by virtue of section 4 of the 2001 Act. On the other hand, where a licensing authority intends that individuals must be present to carry out other activities (for example, activities related to safety or steward activities to organise, advise and direct members of the public), no mandatory condition

should be imposed under section 21 of the 2003 Act. In all cases it is important when determining whether or not a condition is to be imposed under section 21 of the 2003 Act to consider whether the activities of any individual working in licensed premises fall within the definition of security activities in section 21(3)(a) of the 2003 Act. (Regardless of whether a condition is imposed under section 21 of the 2003 Act, under the 2001 Act the appropriate SIA licence must be held by any individual performing an activity for which they are licensable under that Act.)

BRIDGEND COUNTY BOROUGH COUNCIL

STATEMENT OF LICENSING POLICY

LICENSING ACT 2003

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The approved policy document will be available in the Welsh Language, and in other formats on request, and at www.bridgend.gov.uk

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the retail outlet is open for shopping unless there are good reasons. There are no local policies in place and each case will be determined on its merits.

5.16 Policy in respect of assessing applications to prevent public nuisance:

The following criteria will be considered when assessing applications within the context of preventing public nuisance:

- Environmental quality;
- Residential amenity;
- Character of function of a particular area; and
- Nature of the proposed activities to be provided at the premises.

The licensing authority will normally consider favouring applicants wishing premises in noise sensitive areas to remain open after the regular closing time on a specified number of occasions (such as on Bank Holidays and weekends preceding Bank Holidays or special occasions) providing that:

The number of extensions has been included in their operating schedule and steps to address public nuisance have been considered;

AND

The authority is given prior notice of each proposed later opening.

In the absence of relevant representations, however, the authority will grant the application.

Applicants may also consider using the Temporary Event Notice procedure for special occasions or Bank or special Holidays.

Where relevant representations are received, the licensing authority will consider stricter conditions with regard to noise control in noise sensitive locations such as residential areas.