

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Miss Emma Aston – Neighbourhood Services Officer-----

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises

Postal address of premises or, if none, ordnance survey map reference or description King Alfred Inn 1 Commercial Street Maesteg	
Post town Bridgend	Post code (if known) CF34 9DF

Name of premises licence holder (if known) David Andrew Lippiatt Henrhiw Farm Monkswood Usk NP15 1QE
--

Number of premises licence (if known) BCBCLP053

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates

(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Shared Regulatory Services/o Bridgend County Borough Council Civic Offices Angel Street Bridgend CF31 4WB
Telephone number (if any) 01656 643226
E-mail address (optional) publicprotection@bridgend.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

The grounds for this review are based on the Designated Premises Supervisor (DPS) – Nathan Kyte failing to promote the Licensing Objective relating to prevention of public nuisance.

The application for the review is based on the amplified music and speech from the live music at the King Alfred Public House being clearly audible inside a nearby residential property and causing a statutory nuisance. The situation has not been resolved despite the DPS being served an Abatement Notice on 11th May 2016 and being informed that the Department is pursuing a prosecution for 6 breaches witnessed to date.

As there are live music events held at the Premises weekly on Tuesdays, Thursdays, Fridays, Saturdays and Sundays it is prudent to curtail live music at the Premises.

The Premises License Holder – Mr David Lippiatt has been kept informed of the situation at the Premises by being sent copies of all correspondences with the DPS and telephone discussions.

Please provide as much information as possible to support the application (please read guidance note 3)

Mr David Lippiatt has been the Premises License holder since October 2013. Between 23.01.13 – 24.09.13 and 01.07.14 and 28.07.14 the premises was closed.

The Department received a complaint of noise nuisance due to recorded and live music on 20th April 2016. As a result of investigations an Abatement Notice was served on the Nathan Kyte - DPS on 11th May 2016. A copy of the Abatement Notice was sent to the Premises Licence holder – Mr David Lippiatt.

Throughout the course of the investigation Officers from the Department have attempted to work with the DPS in order to resolve the matter. Initially this involved the use of the Department out of hours service so that the DPS could be advised when the music was causing a problem they could make necessary adjustments to obtain acceptable noise level for the music. This method did not prove to be effective as the music volume would be returned to original level the following evening. This involved a considerable amount of Officers time and cost to the Department.

The DPS and his father Paul Kyte informed the Department that they carried sound insulation works to parts of the building in an attempt to minimise the noise. It is understood the works included blocking up unused vents and windows but the full extent to this work is unknown.

However, the works did not have any effect on the noise levels from the music and the Department continued to receive complaints via the out of hours service. Officers witnessed amplified music clearly audible from within the complainants property on:

07/05/16 between 01:00 and 02:00

22/05/16 between 23.35 and 23.54

29/05/16 between 23.54 and 00.24

11/06/16 between 22.50 and 23.37

The DPS was informed that their actions had not had any effect on the noise levels and provided details of the incidents witnessed.

The DPS installed a noise limiter on 8th June 2016. A site visit was carried out by Officers from this Department on 14th June 2016 and an acceptable level determined from inside the complainants was provided to the DPS in order to set the level on the limiter.

The complainant contacted the Department to advise the noise from the music had been a problem on 11th and 12th of June 2016.

The DPS was informed of the details of complaint by telephone and the DPS father – Paul Kyte advised that the limiter had been disconnected on 11th June 2016 as the bands could not play to the level which had been set on the 14/06/16 a letter was sent to Nathan Kyte - DPS advising by disconnecting the limiter he was knowingly causing a statutory nuisance and this would result in enforcement action being taken against him should a breach of the Abatement Notice be witnessed. A copy of the letter was sent to Premises Licence holder – Mr David Lippiatt

Subsequently, a breach was witnessed the following weekend on the 25th June 2016. A letter was sent to Nathan Kyte - DPS inviting him to attend an Interview Under Caution to discuss the breach. A copy of this letter was sent to the Premises Licence Holder – Mr David Lippiatt.

On 4th July 2016 I telephoned Mr David Lippiatt – Premises Licence Holder. Mr Lippiatt advised he had been told by DPS that the situation had been resolved as a noise limiter had been fitted. Mr Lippiatt was informed of all the actions taken by the Department to assist the DPS in complying with the Abatement Notice and unfortunately the DPS had decided to disconnect the noise limiter. This has resulted in a breach being witnessed and Nathan Kyte being invited to an interview

under caution ..

On the 11th July 2016 following the breach the DPS was interviewed under caution in the presence of their Legal representative.

The Department has continued to receive complaints of noise nuisance due to amplified music which demonstrated the nuisance was ongoing. A letter was sent to Nathan Kyte informing him that it was the Department intention to initiate a prosecution against him for the breach which was witnessed 25/06/16 and any further breaches. A copy of the letter was sent to the Premises Licence Holder – Mr David Lippiatt.

Despite the DPS being informed of the Department's intention to prosecute a further 4 breaches were witnessed on:

16th July 2016

17th July 2016

23rd July 2016

24th July 2016

The DPS was informed in writing about each of these breaches and advised the evidence would be used as part of the ongoing prosecution file. Copies of these letters were sent to Mr David Lippiatt.

On the 3rd of August 2016 I telephoned Mr David Lippiatt to advise that as the DPS is continuing to breach the Abatement Notice the Department has no alternative other than to consider calling the Premises Licence in for review with a recommendation that there is no live music at the premises. I advised I would be writing to Nathan to advise that he has 7 days to provide an action plan of how he intends on resolving the issue. Mr Lippiatt advised that he has been informed by the DPS that it wasn't as bad as I was making out. I advised Mr Lippiatt that the situation was very much still a problem which is why I was pursuing formal action for the breaches. I referred to the copies of letters that I had sent to him in setting out the breaches which detailed the actions being taken by the Department. Mr Lippiatt confirmed that he has been receiving the letters and advised me he would contact the DPS.

Shortly after this telephone conversation with the PLH, I received a call from Paul Kyte to discuss my conversation with Mr Lippiatt. I reiterated to Paul Kyte that in view that the Abatement Notice is continuously being breached I have no alternative other than to consider applying for a review of the premises license and my recommendations would be that no live music is to be played at the venue. I advised that I had drafted a letter to Nathan Kyte requesting that he provides an action plan within 7 days to demonstrate how they were going to prevent the noise nuisance in order to prevent the review.

Paul advised me that he would agree that I attended the premises and re set the level for the noise limiter again as he had changed the setting from that originally set by officers.

On 6th August 2016 as a result of a further complaint the Investigating Officer attended the complainant's property. During the visit the noise level heard within the complainant's property while the live music was being played would not have been considered a nuisance. The DPS was informed and confirmed that the limiter had been set at the level assessed during the visit.

In addition to the level set on 6/08/16 Paul Kyte emailed to confirm that during the level set the equipment being used consisted of a vocalist, bass guitar and electric drums and this would be the set up for live music from then on. I exhibit a copy labelled EA-AP 01 of the action plan which consists of emails between myself and Paul.

Between 6/08/16 and 13/08/16 the complainant advised that the music had not caused a problem. This indicated the level set had resolved the matter. However, On Sunday 14th August 2016 the complainants contacted the out of service to report noise nuisance. The duty Officer called out and

witnessed a short duration of the music which was clearly audible in particular the noise from the drums.

Paul Kyte advised that on 14th August 2016 there was a 6 piece band playing at the premises and they did not have enough points to connect all equipment through the limiter and this incident was a one off. I agreed that no formal action would be taken against them for this incident as they had demonstrated they had been able to control the live music and the incident on the 14/08/16 was a one off event.

However, the complainant contacted the Department and informed me that the music had returned to being a regular problem.

On the 3rd September 2016 a further breach was witnessed. A letter was sent to Nathan Kyte informing of the Department's' intention to call the Premises Licence in for review. A copy was sent to David Lippiatt.

On the 28th September 2016 I spoke to Mr Lippiatt and advised a further breach had been witnessed therefore I was now applying for a review of the premises license. Mr Lippiatt said that he has spoken to Nathan and Paul on a number of occasions. The response he has is that the situation isn't as bad as I am making out. I informed him that it was, and that I now have evidence of a total of 6 breaches of the Abatement Notice. The complainant has advised me that the situation has returned to how it was when they first complained. Mr Lippiatt advised he didn't know what else he could do apart from remove Nathan as the DPS. I advised that could be an option and to contact the Licensing Department.

To date the complainant has informed the Department that the music is still causing a problem.

Conclusion

Throughout the course of the investigation the Department has provided assistance and support to the DPS in resolving the problems with live music causing a noise nuisance. The Department utilised it's out of hours service to provide assistance to the DPS in achieving an acceptable level. This advice was then ignored by the DPS and the music level would return to the original level the following evening. The Department has arranged for 2 site visits out of the normal office hours which involved 2 Officers on each occasion in order to set an acceptable noise level for the limiter provided by the DPS to control the noise. After the first occasion the DPS disconnected the limiter as the bands could not play the level set. The DPS did this knowing that this would cause disturbance to the complainants as the noise would be above the noise level agreed. There were no additional steps taken by the DPS following the limiter being disconnected.

After the second visit the DPS adhered to the noise levels for a period of 6 days and was able demonstrate they could have live music without causing a nuisance to nearby residential properties. However, thereafter the music returned to being at a level which was causing a nuisance, this coincided with a letter that I had sent to inform the DPS their actions had deferred the review however the Department was still pursuing the prosecution for the breaches already witnessed.

The Premises Licence Holder of the premises has been kept informed at every stage of the Department investigation and its intentions to take formal action to ensure that he was fully aware of the situation.

In view of this I would recommend that the conditions related to live music are modified so that no live music can be played at the premises.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆
┆	┆	┆

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 17/10/16

Capacity Authorised Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Shared Regulatory Services
Gwasanaethau Rheoliadol a Rennir



Mr Nathan Phillip Kyte



Gwasanaethau Rheoliadol a Rennir /
Shared Regulatory Services

Deialu uniongyrchol / Direct line: 01656 643226

Gofynnwch am / Ask for: Miss E Aston

Ein cyf / Our ref:

Eich cyf / Your Ref: SRU\EA\190195

Dyddiad / Date: 3rd August 2016

Dear Mr Kyte

LICENSING ACT 2003

ENVIRONMENTAL PROTECTION ACT 1990

**NOISE NUISANCE FROM AMPLIFIED MUSIC AND SPEECH AT KING ALFRED INN, 1
COMMERCIAL STREET, MAESTEG, BRIDGEND, CF34 9DF**

I refer to my letter dated 27th July 2016.

I would advise that complaints have continued to be received alleging noise nuisance is still occurring on Saturday, Sunday, Tuesday and Thursday evenings due to amplified music and speech.

This demonstrates that you are continuing to breach the Abatement Notice served upon you on 11th May 2016, despite you being aware to date this Department has witnessed 5 breaches and seeking formal action against you.

I am now considering calling your premises licence for review in accordance with section 51 of the Licensing Act 2003. In order to avoid this course of action, I am giving you the opportunity to address this matter by providing this Department with an action plan by no later than 11th August 2016 detailing how you intend resolving the problems of noise from the regulated entertainment.

I would also draw to your attention you that you are in breach of condition 10 annex 3 of your Premises License and this matter has been forwarded to the Licensing Department.

I must also advise you that any further breaches witnessed by Officers maybe be used as evidence against you and form part of the prosecution. The situation will be continued to monitored by this Department.

If you have any queries regarding this matter please contact me on the details above.

Yours sincerely

MISS E ASTON – NEIGHBOURHOOD SERVICES OFFICER

Cc KING ALFRED INN 1 COMMERCIAL STREET, MAESTEG, BRIDGEND, CF34 9DF
CC:DAVID LIPPIATT HENRHIW FARM, MONKSWOOD, USK, NP15 1QE

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn sicrhau ein bod yn cyfathrebu â chi yn eich dewis iaith boed yn Gymraeg, yn Saesneg neu'n ddwyieithog dim ond i chi roi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in English and Welsh and we will ensure that we communicate with you in the language of your choice, whether that's English, Welsh or bilingual as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

licensing

From: Emma Aston
Sent: 08 August 2016 12:18
To: 'Paul'
Subject: RE: Action Plan

Dear Paul,

The attachment was a letter to Nathan which details follows :

"I refer to my letter dated 27th July 2016.

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I can confirm that during the visit 6/08/16 we were able set an acceptable level for the amplified music and speech while a band was playing in the premises. I would now request that you confirm in writing what actions you took during this visit in resolving the problem with the amplified music and speech and how you continue to ensure that no further breaches occur whilst you have live music including karaoke at the premises.

Kind regards



Shared
Regulatory
Services

Emma Aston | Swyddog Diogelu'r Amgylchedd | Environmental Protection Officer – Neighbourhood Services

Gwasanaethau Rheoliadol a Rennir | Shared Regulatory Services

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg | Bridgend, Cardiff and the Vale of Glamorgan
Ffon | Phone 01656 643226

Ebost | Email: [REDACTED] Gwefan | Website: [Shared Regulatory Services](#)

Rydym yn croesawu gonebiaeth 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.

From: Paul [REDACTED]
Sent: 03 August 2016 17:20

To: Emma Aston
Subject: Re: Action Plan

Thank you Emma we look forward to your visit on 06/08/16 @ 10pm to check our levels on the limiter, Unfortunately I'm unable to open the attachment you sent.
Regards Paul

Sent from my iPhone

On 3 Aug 2016, at 15:34, Emma Aston [REDACTED] wrote:

Dear Paul,

Further to our conversation today, please find attached the letter addressed to Nathan.

During this conversation you advised that the limiter setting has been changed from microphone to line bass operation mode. We agreed for me to come out Saturday 6/08/16 at 10pm to check the noise level from amplified music and speech and you will adjust and set the noise level for limiter to an acceptable level.

I would be grateful if you could confirm for this is correct.
Kind regards

<image001.png>

Emma Aston | Swyddog Diogelu'r Amgylchedd | Environmental Protection Officer – Neighbourhood Services

Gwasanaethau Rheoliadol a Rennir | Shared Regulatory Services

Pen-y-bont ar Ogwr, Caerdydd ar Bro Morgannwg | Bridgend, Cardiff and the Vale of Glamorgan

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E-bost yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol

Peidiwch ag argraffu'r neges e-bost hon oni bai fod hynny'n gwbl angenrheidiol.

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

E-mail may be automatically logged, monitored and/or recorded for legal purposes.

Please do not print this email unless absolutely necessary.

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

This e-mail and any attachments transmitted with it represents the views of the individual(s) who sent them and should not be regarded as the official view of Bridgend County Borough Council. The contents

are confidential and intended solely for the use of the addressee. If

you have received it in error, please inform the system administrator on (+44) 01656 642111.

This e-mail and any attachments have been scanned with 'Mcafee' - <http://www.mcafee.com/>

Mae'r e-bost hwn ac unrhyw atodiadau a drosglwyddir gydag ef yn cynrychioli safbwyntiau'r unigolyn a'i anfonodd (unigolion a'u hanfonodd) ac ni ddylid eu hystyried fel safbwynt swyddogol Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr. Mae'r cynnwys yn gyfrinachol ac wedi'i fwriadu ar gyfer y sawl y'i cyfeiriwyd ato yn unig. Os ydych wedi ei dderbyn mewn camgymeriad, rhowch wybod i weinyddwr y system ar (+44) 01656 642111.

Mae'r e-bost hwn ac unrhyw atodiadau wedi cael eu sganio gyda 'Mcafee' - <http://www.mcafee.com/>

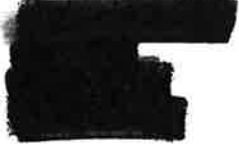
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Shared **Regulatory Services**
Gwasanaethau **Rheoliadol** a Rennir



Mr Nathan Phillip Kyte



**Gwasanaethau Rheoliadol a Rennir /
Shared Regulatory Services**

Deialu uniongyrchol / Direct line: 01656 643226

Gofynnwch am / Ask for: Miss E Aston

Ein cyf / Our ref:

Eich cyf / Your Ref: SRU\EA\190195

Dyddiad / Date: 3rd August 2016

Dear Mr Kyte

LICENSING ACT 2003

ENVIRONMENTAL PROTECTION ACT 1990

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Cc KING ALFRED INN 1 COMMERCIAL STREET, MAESTEG, BRIDGEND, CF34 9DF
CC:DAVID LIPPIATT HENRHIW FARM, MONKSWOOD, USK, NP15 1QE

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