

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT 2003 SUB COMMITTEE

27 JUNE 2017

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

**LICENSING ACT 2003: SECTION 17
APPLICATION FOR PREMISES LICENCE
35 MARKET STREET, BRIDGEND**

1. Purpose of Report

- 1.1 This is an application made by Clyne Property Enterprises Limited for a new Premises Licence for an unnamed premises at 35 Market Street Bridgend. The premises consists of a ground floor and is described as a bar/nightclub in a town centre location.

2. Connection to Corporate Improvement Plan / Other Corporate Priority

- 2.1 None.

3. Background

- 3.1 A copy of the application form is attached at Appendix A together with the proposed licence plan.
- 3.2 The application is for a Premises Licence which authorises the supply of alcohol for consumption both on and off the premises. In addition, application is made for the licensable activities of regulated entertainment to include plays, films, indoor sporting events, boxing or wrestling entertainment and performance of dance. Live music has been amended from the original application to end at 0230 hours on all days of the week with the remaining hours for licensable activities (with late night refreshment commencing at 2300 hours) as follows:

Sunday to Thursday: 1200 to 0230 hours
Friday: 1200 to 0400 hours
Saturday: 1200 to 0500 hours

Live Music:
Monday to Sunday: 1200 to 0230

Recorded Music to be played through a limiter with the sound levels being set and agreed with the Council:
Sunday to Thursday: 1200 to 0300 hours
Friday: 1200 to 0430 hours
Saturday: 1200 to 0530 hours

Hours open to the public:
Sunday to Thursday: 1200 to 0300 hours
Friday: 1200 to 0430 hours
Saturday: 1200 to 0530 hours

The application includes non-standard timings for licensable activities as follows:

Sundays preceding a Bank Holiday/Christmas Eve/Boxing Day/New Year's Eve 1200 to 0500 hours (subject to the amendment relating to live music) and with a further period of 30 minutes during which the premises would remain open to the public.

The operating schedule setting out the steps the applicant intends to promote the licensing objectives is set out in Box M boxes a) to e) of the application form. Should the premises licence be granted, these measures would be translated into licence conditions subject to any amendments set out by the Responsible Authorities below.

3.3 The application has been advertised in accordance with Regulations.

4. Current situation / proposal.

4.1 Representations have been received from the Chief Officer of Police which are set out at Appendix B. All other representations have been agreed and the application is amended as follows:

- 1) All staff shall be trained in all aspects of the Licensing Act 2003 on the commencement of employment, then annually or more frequently if necessary. Signed records will be kept by the DPS and made available for inspection upon request by authorised officers and responsible authority officers.
- 2) Challenge 25 will form part of the premises age verification policy, a copy of which will be made available for inspection upon request by authorised officers and responsible authority officers.
- 3) Challenge 25 signage will be displayed prominently in all service areas.
- 4) Live music to finish at 0000 hours.
- 5) The installation of a noise limiter and the level to be set and agreed by this service.
- 6) All live and recorded music to be played through the noise limiter.

4.2 At the time of preparing this report the representations from the South Wales Police had not been withdrawn.

4.3 The Sub-Committee must have regard to the Council's Statement of Licensing Policy and the Home Office Guidance issued under Section 182 of the Licensing Act 2003. However, the Sub-Committee must consider each application on its own merits having regard to the application, the operating schedule submitted and the representations made.

4.4 Sections 5, 6 and 9 of the Council's Statement of Licensing Policy are relevant to this application. Section 6 relates to a special policy in force in relation to the cumulative impact of premises in Bridgend Town Centre and specifically Market Street Bridgend where this premises is located.

"6.4 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations which are likely to add to the existing cumulative impact will normally be refused, if relevant representations to that effect are received, unless applicants can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Whilst each case will be determined on its merits the term variation is taken to mean an increase in the hours during which licensable activities may take place, additional licensable activities, or an increase in the extent of the premises, insofar as these are likely to add to the negative cumulative impact.

6.5 Applicants will need to address the special policy issues in their operating schedules in order to rebut the presumption, i.e. that the operation of the premises would not add to the negative cumulative impact experienced. The licensing authority will give proper regard to the different types of premises and the differing impact they will have on the local community. However, if no relevant representation is received, the licensing authority will grant the application in terms which are consistent with the operating schedule.

6.6 This special policy will be kept under review and will not be used as grounds for revoking an existing licence or certificate.

6.7 Notwithstanding the special policy, applicants are asked to note that each application will be dealt with on its merits. Following receipt of representations in respect of a new application in the above mentioned streets, the licensing authority will and must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case."

4.5 Sections 2, 8, 9 and 10 and of the Home Office Guidance apply to this application.

5. Effect upon Policy Framework & Procedure Rules.

5.1 None

6. Equality Impact Assessment.

6.1 A full Equality Impact Assessment has not been undertaken in relation to this service, however due regard has been given to the implications on persons protected by equality legislation and human rights. Adverse impact of this Legislation on the equality protected groups is very unlikely. Consideration has been given to the guidance issued to accompany the Licensing Act 2003 relating to need to eliminate duplication and conflict with existing disability legislation and to reference and highlight the Council's Race Equality Scheme, policies and codes of conduct to applicants. We do not consider, on the basis of the above, that a detailed Equality Impact Assessment is required for this service. In line with our Inclusive Equalities Scheme we will monitor for any adverse impacts that may develop.

7. Financial Implications.

7.1 None

8. Recommendation.

8.1 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 together with the representations made by the Police and other parties. The Sub-Committee is requested to have particular regard to the Cumulative Impact Policy in the decision making process.

8.2 The Sub-Committee is requested to confirm if the Licence is granted whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule. Section 10 of the Home Office Guidance relates to conditions attached to Premises Licences, Mandatory conditions will apply to the licence, if granted, in respect of the specification of a Designated Premises Supervisor, age verification policy and authorisation by personal licence holders.

Andrew Jolley

Corporate Director Operational and Partnership Services

Date: 21 June 2017

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Background documents

Application for Premises Licence
Representations

Council's Statement of Licensing Policy available at www.bridgend.gov.uk

Amended Guidance issued under Section 182 of the Licensing Act 2003 – April 2017
available at www.homeoffice.gov.uk