

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SPECIAL LICENSING ACT SUB-COMMITTEE

23 AUGUST 2018

REPORT OF THE HEAD OF LEGAL AND REGULATORY SERVICES

LICENSING ACT 2003 SECTION 17 APPLICATION FOR A PREMISES LICENCE NO11 CAFÉ BAR, EWENNY ROAD, BRIDGEND

1. Purpose of report

- 1.1 The purpose of this report is to determine an application for a premises licence for the above premises.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 There is no direct link to the Corporate Improvement Plan / Other Corporate Priority.

3. Background

- 3.1 A copy of the application form is attached at Appendix A together with the proposed licence plans.

- 3.2 The application is for a Premises Licence which authorises the supply of alcohol for consumption on the premises only.

- 3.3 The timings requested have been amended and are as follows:

Supply of Alcohol:

Monday to Sunday: 1100 – 2300 hours

- 3.4 The operating schedule setting out the steps the applicant intends to promote the licensing objectives is set out in M boxes a) to e) of the application form. Should the premises licence be granted, these measures would be translated into licence conditions, in addition to the agreed amendments proposed by the Responsible Authorities during the consultation period.

Crime and Disorder:

- 1) The Premises Licence Holder will retain and maintain the installation of quality digital CCTV at the premises. The CCTV images will be of a good evidential quality.
- 2) CCTV cameras will be located in such positions as to record images of ALL AREAS TO WHICH THE PUBLIC HAS ACCESS EXCEPT THE TOILET AREA. There will be no blind spots.
- 3) A member of staff who is able to operate the CCTV system and download CCTV images will be on duty at all times.
- 4) There will be a storage facility of CCTV images of up to thirty one days covering the maximum number of days in a calendar month.

- 5) Recordings of images will be made available upon request from any officer of the South Wales Police in the course of their duties or as soon as is reasonably practicable.
- 6) Therefore recording material will be made available in a suitable format which can be used for evidential purposes and at a cost to the premises.
- 7) CCTV system will be regularly checked and maintained and must be in full working order at all times during the opening hours.
- 8) The Premises Licence Holder will ensure a zero tolerance to abusive/inappropriate behaviour, excessive drinking or drug use.
- 9) No drinks to be taken outside of the premises after 2200 hours.

Public Safety:

- 1) The Premises Licence Holder will ensure that the kitchen area is separate from the dining area and no customers are permitted to enter.
- 2) The Premises Licence Holder will ensure that the dining area is supervised and the area is regularly checked and cleared of glasses and bottles.
- 3) The Premises Licence Holder will ensure that no unattended alcohol is left on empty tables.

The Prevention of Public Nuisance:

- 1) The Premises Licence Holder will ensure that signs are placed near the exit of the premises reminding customers to leave in a quiet and respectable manner.
- 2) The Premises License Holder will ensure staff are trained and that they ask customers to leave quietly and when required to do so.
- 3) The Premises Licence Holder will ensure that staff monitor customers leaving at the close of business to ensure that they leave in a respectful manner.

The Protection of Children from Harm:

- 1) The Premises Licence Holder will ensure that 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.
- 2) The Premises Licence Holder will ensure that Challenge 25 signage will be displayed prominently in all service areas.

3.5 Objections have been received from various members of the public and are attached at Appendix B. After consideration of the representations by the applicants they have decided to withdraw the proposed licensable activities of Live Music and Recorded Music from the application. They have also agreed to cut back on the hours for the supply of alcohol, with the close of the premises now to be 2330 hours. The application was considered by the Responsible Authorities and no other representations have been received.

3.6 The application has been advertised in accordance with Regulations.

4. Current situation/proposal

- 4.1 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.
- 4.2 Sections 2 (The Licensing Objectives), 8 (Applications for Premises Licences), 9 (Determining applications) and 10 (Conditions attached to premises licences) of the Home Office Guidance apply to this application.
- 4.3 When determining this application, the Sub-Committee must undertake its functions in accordance with the four statutory licensing objectives:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 4.4 Members are advised that there are a number of exemptions that mean that a licence under the 2003 Act is not required to authorise the provision of regulated entertainment. As a result of deregulatory changes to the 2003 Act (The Live Music Act 2012), no licence is required in respect of live music (provided that the audience does not exceed 500) for:
- i. a performance of unamplified live music between 0800 and 2300 hours on any day and
 - ii. a performance of amplified live music between 0800 and 2300 hours on any day on premises authorized to sell alcohol for consumption on those premises,

As such, no licence permission is required for any playing of recorded music between 0800 and 2300 hours on any day on premises authorized to sell alcohol for consumption on those premises, provided that they audience does not exceed 500.

5. Effect upon policy framework and 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. 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 None

9. Recommendation

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.

9.2 The Sub-Committee is requested to confirm 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.

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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
available at www.homeoffice.gov.uk