

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO LICENSING ACT 2003 SUB-COMMITTEE
14 MAY 2021

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

LICENSING ACT 2003
SECTION 34
VARIATION OF A PREMISES LICENCE

1. Purpose of report

- 1.1 The purpose of this report is to determine an application for the variation of a premises licence submitted by BDM (South Wales) Limited in respect of Braseria El Prado, Laleston.

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

- 2.1 This report relates to a regulatory function and as such has no link to the corporate well-being objectives.

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 seeks to:

- Amend the premises licence to permit the sale by retail of alcohol to now allow for sales of alcohol both on and off the premises, including an online purchasing and delivery service.
- Extend the area for licensable activities to include a room on the first floor of the premises.
- Extend the area of the premises to include external seating areas.
- To remove the embedded restrictions currently applying to the premises licence.
- To add a period for drinking up time of 30 minutes on all timings on the licence but not otherwise extend the hours for licensable activities.
- To add a condition that the operation of external areas will cease at 2200 hours daily.

- 3.3 The times the licence authorises the carrying out of licensable activities remains the same:

Supply of alcohol
Live Music
Recorded Music

Monday to Saturday 1000 to 0000 hours
Sundays 1200 to 2330 hours
Christmas Day 1200 to 2330 hours
Good Friday 1200 to 2330 hours
New Year's Eve As per the Regulatory Reform (Special Occasions Licensing) Order 2002

3.4 The embedded restrictions which this application seeks to remove are as follows:

1) Intoxicating Liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

2) Suitable beverages other than intoxicating liquor (Including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

3) Embedded right retained in respect of the provision of entertainment by way of music and singing only, which is provided solely by the reproduction of recorded sound, or by not more than two performers (a combination of recorded sound and one or two live performers or karaoke is not permitted).

These restrictions were a legacy of the Licensing Act 1964 which were carried over to this premises licence when it was converted on the implementation of the Licensing Act 2003.

3.5 The operating schedule setting out the steps the applicant intends to promote the licensing objectives is set out in Section M boxes a) to e) of the application form. Should the variation of the premises licence be granted, these measures would be translated into licence conditions.

4. Current situation/proposal

4.1 Relevant representations have been received from residents, copies of which are set out at Appendices B to E. Some personal data and references to family members or children have been removed from the representations. Having regard to the Section 182 Guidance issued by the Home Office, matters outside the remit of the licensing authority including the need for premises and road safety and an ongoing planning application have also been redacted. References to the operation of other premises in the vicinity have also been removed as the application must be considered on its own merits.

4.2 The application was considered by the Responsible Authorities and a representation has been received from Shared Regulatory Services and in addition residents' representations are listed below:

Appendix B	Shared Regulatory Services
Appendix C	Deborah Rees and Bruce Kennedy
Appendix D	Allan and Christine Daniels
Appendix E	Peter and Diane Armstrong

4.3 The application has been advertised in accordance with Regulations, the applicant having restarted the period of consultation having been advised that the site notice had not been continuously displayed. The prescribed website and press notices were also extended accordingly to allow for the 28 period of notice.

4.4 At the time this report was prepared none of the representations had been withdrawn and a full hearing of this application is required.

4.5 Technical note for Members

The representations allude to the fact that the previous licensee did not utilise the full hours granted within the existing premises licence. The premises licence holder is entitled to open as they wish, provided that it is within the authorised hours and they may close earlier if they wish.

The representations also refer to the fact that social distancing has been referred to in the application and that whilst the Covid 19 pandemic may abate, the variation, if granted, will be permanent. Members are requested to note that the reasons for an application being submitted are not a matter for consideration and that the application must be considered on its merits.

Members are advised that permitted numbers on a premises are usually determined by the Fire Authority as part of the premises' risk assessment and that no representations have been submitted in respect of the number of customers permitted at the venue.

5. Effect upon policy framework and procedure rules

5.1 There are no implications arising from this report.

6. Equality Act 2010 implications

An initial EIA screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

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

7.1 This is a regulatory function. The application process supports the principle of collaboration via consultation and public notice prior to determination of the application.

8. Financial implications

8.1 There are no financial implications arising from the report.

9. Recommendation(s)

- 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 and the submissions and representations before them.
- 9.2 The Sub-Committee is requested to consider whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule. Mandatory conditions will apply to the licence, if granted, in respect of the specification of a Designated Premises Supervisor, mandatory age verification policy and authorisations of alcohol sales by personal licence holders.

Kelly Watson

CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

10 May 2021

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Background documents:

Application for Variation of 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