

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

29 MARCH 2023

**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 Axa Trading Limited to vary the premises licence in force at Domino's, Unit 1 Somerfield Site, Tremains Road, Bridgend, CF31 1TZ.

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

- 2.1 This report relates to the Council's regulatory functions. There is no direct link to the corporate well-being objectives / other corporate priorities.

3. Background

- 3.1 The premises has the benefit of a premises licence; BCBCLP565 which authorises the following licensable activities during the hours stated:

- Provision of Late Night Refreshment

Monday to Sunday: 23:00 hours to 03:00 hours

- 3.2 A copy of the current premises licence is attached at **Appendix A**.

4. Current situation/proposal

- 4.1 The Licensing Authority has received an application to vary the premises licence. The application is attached at **Appendix B**.

- 4.2 The application requests the following:

Description of the nature of the variation (as stated by applicant):

"Modify the following condition 1 under Annex 2, The Prevention of Public Nuisance

- The counter service open to the general public will only be available until 01:00 hours, Monday to Sunday. Thereafter, no public access will be permitted for Late Night Refreshment via the delivery service.

To read as follows:

- The premises shall remain closed to the public between 01:00 to 03:00 hours expect to allow delivery service and for access to authorised persons.

Remove the following conditions under Annex 3:

- No delivery vehicles will be mopeds
- All drivers will have a label in their cars stating “do not slam car doors rev engines or play loud music”.
- No more than 2 delivery vehicles will be used after 23:00 hours

All other terms and conditions of the premises licence are to stay the same; no other changes.”

4.3 The applicant details no additional measures to promote the licensing objectives and states in the application “these premises are already licensed with sufficient robust set of conditions which will remain on the premises licence after the modification of the conditions.”

4.4 The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) Protection of children from harm

Each objective is of equal importance and should be of paramount consideration at all times.

4.5 Section 4(3) Licensing Act 2003 states that the Licensing Authority should also have regard to the Council’s Statement of Licensing Policy, the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Licensing Act itself, in this case in particular to:

- a) Paragraphs 2, 3, 4, 5, 8, 9, 11 of the 2019-2024 Statement of licensing policy
- b) Chapters 2, 8, 9 and 10 of the Statutory guidance, as revised December 2022
- c) Sections 4, 9, 10, 11, 12, 13, 34, 35, 36, 182 and 183 of the Licensing Act 2003.

4.6 In accordance with the requirements of the Act, copies of the application were forwarded to the Responsible Authorities.

4.7 The application has been advertised in accordance with the regulations; at the premises, in a local newspaper and on the Council’s website.

- 4.8 The Licensing Authority received one representation during the consultation period from a local resident. A copy of the representation can be found in **Appendix C**.
- 4.9 As a relevant representation has been received the Sub-Committee must determine the application in accordance with the Licensing Act 2003.
- 4.10 Any further updates will be provided at the start of the Sub-Committee meeting as permitted under the Licensing Act 2003 (Hearings) Regulations 2005.

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, the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the application, submissions and representations before them.

Kelly Watson

CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

23 March 2023

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Background documents: None