

**BRIDGEND COUNTY BOROUGH COUNCIL**

**REPORT TO SPECIAL LICENSING ACT 2003 SUB COMMITTEE**

**16 DECEMBER 2014**

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES**

**LICENSING ACT 2003 : SECTION 17  
APPLICATION FOR PREMISES LICENCE  
OLIVIA'S COFFEE HOUSE, 15 WELL STREET, PORTHCAWL**

**1. Purpose of Report**

- 1.1 This is an application made by Annette Emalene De Graaf for a new Premises Licence for the above premises.

**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 a location plan. A full sized copy of the plan indicating the proposed licensed area will be available at the meeting.
- 3.2 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, Licensing Authority and a member of the public. Copies of the representations are attached at Appendix B, C and D. Copies of the representations received have been forwarded to the applicant for consideration.
- 4.2 The representations submitted by the Public Protection Department have been withdrawn. An agreement has been reached with the applicant and the application has been amended as follows:-

**Conditions/Restrictions**

The following conditions/restrictions are therefore necessary to promote the licensing objective of the prevention of public nuisance and protection of children from harm:

Timings for licensable activities and Opening Hours:

**Opening Hours for Standard Timings**

Sunday- Thursday 09:00 - 23:00

Friday- Saturday 09:00 - 00:00

### **Opening Hours for Non-Standard Timings**

Fridays, Saturdays and Sundays preceding Bank Holidays, Bank Holiday Mondays, Christmas Eve, Boxing Day and New Years Day: 09:00 - 00:30

New Years Eve- 09:00 – 02:30

### **For Standard Timings for the supply of alcohol, recorded music and late night refreshments:**

Sunday- Thursday 10:30 - 22:30

Friday- Saturday 10:30 - 23:30

### **For Non-Standard Timings for the supply of alcohol, recorded music and late night refreshments:**

Fridays, Saturdays and Sundays preceding Bank Holidays, Bank Holiday Mondays, Christmas Eve, Boxing Day and New Years Day: 09:00 - 00:00

New Years Eve- 09:00 – 02:00

### **For Standard Timings for the provision of live music, karaoke and DJ:**

Sunday- Thursday 11.00 - 22:00

Friday & Saturday 11.00 - 23:00

### **For Non-Standard Timings for the provision of live music, karaoke and DJ:**

Fridays, Saturdays and Sundays preceding Bank Holidays, Bank Holiday Mondays, Christmas Eve, Boxing Day and New Years Day: 10:30 - 23:30 hours

New Years Eve 11.00 - 00.30

1. The premises licence holder will undertake routine monitoring of the external area to monitor and control the noise from any patrons outside the premises.
  2. There shall be no drinks consumed outside the curtilage of the premises.
  3. There shall be no licensable activities outside in the rear courtyard area.
  4. No drinks shall be consumed in the rear courtyard area after 21:30.
  5. All litter, including cigarette ends, shall be cleared from the front pavement area in front of the premises and to the rear lane of the premises as shown on the attached plan A at the close of business each day.
- 4.3 The Licensing Section is aware that there have been discussions between the applicant, South Wales Police and the Licensing Authority but no agreement has been reached at the time of preparing this report.
- 4.4 The Planning Department has submitted the following information in the form of an observation only:

*“P/03/373/FUL – The use hereby permitted shall not be open to customers outside the following times:-*

*0900 – 1800 hours Monday to Sunday*

*Reason : In the interests of residential amenities”.*

4.5 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.

4.6 Sections 2, 8, 9, 10 and 13.57 of the Home Office Guidance apply to this application. There are no specific local licensing policies applicable to the Porthcawl area.

## **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.

8.2 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. Sections 10.8, 10.9 and 10.10 apply to the imposition of conditions. 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**

**Assistant Chief Executive Legal and Regulatory Services**

**Date: 10 December 2014**

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**Background documents**

Application for Premises Licence

Representations from Responsible Authorities and a Member of the Public

Observation letter from the Planning Department

Council's Statement of Licensing Policy available at [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Amended Guidance issued under Section 182 of the Licensing Act 2003 – October 2014

Available at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)