

MEMORANDUM COFNOD



From: **ASSISTANT CHIEF EXECUTIVE
LEGAL AND REGULATORY SERVICES**

To: **ASSISTANT CHIEF EXECUTIVE
LEGAL AND REGULATORY SERVICES
FAO – Yvonne Witchell – Licensing & Registration Officer**

Appendix C

our ref.
EA/KE

ext. no.
3226

your ref.

Date
29th January 2015

LICENSING ACT 2003

APPLICATION FOR A PREMISES LICENCE – 33 MARKET STREET BRIDGEND
CF31 1LJ

APPLICANT – MR RASUAL

The above application has been examined by this Department in its role as a Responsible Authority. Consideration has been given to issues in connection with the Health & Safety at Work Etc Act 1974, pollution of the environment, harm to human health and protection of children. I can advise you that the Department has the following relevant representations to make:

Public Safety

Public safety is concerned with the physical safety of people using or working in the premises. It is the responsibility of the applicant to ensure that the licensed premises is safe for the public and staff for the activity that is taking place, both inside and immediately outside the premises. During the last inspection at the premises on 20th November 2014 it was noted that the premises was still undergoing renovation and was not in a safe condition to open to members of the public. The applicant was therefore requested to ensure that the safety arrangements documented in appendix 1 were in place prior to opening to the public. However, to date, the applicant has failed to demonstrate that these issues have been addressed and has not provided any evidence of the documentation that has been requested.

Prevention of Public Nuisance

This premises is situated opposite residential flats and is in an area of Bridgend town centre which has been determined as a cumulative impact area due to the high density of pubs, clubs and takeaways and the disproportionate amount of crime disorder. This means that the applicant would need to demonstrate in his operating schedule that the operation of the premises would not add to the negative cumulative impact experienced and that there will be no negative cumulative impact on one or more of the licensing objectives. However, the applicant has not addressed how public nuisance from licensable activities and operation of the premises will be prevented, particularly in respect of the following:

(1) Hours Premises are open to the Public

The applicant has requested opening hours from 11.30 to 24:00 Monday to Wednesday and 11:30 to 02:30 Thursday to Sunday for standard timings, and for non-standard timings states "Cultural events" with no specified times or particular events. As previously advised the premises has a planning restriction to close at 24.00hrs on a Sunday, therefore it cannot open later in any event. The applicant is requested to amend the opening hours to: 11.30 to 24:00 Sunday to Wednesday.

(2) Supply of Alcohol

The applicant has applied for the supply of alcohol from 11:30 until 23:30 Monday - Wednesday and 11:30 until 02:00 on Thursday- Sunday for standard timings, with no request for non-standard timings. As mentioned above the premises has a planning restriction to close at 24.00hrs on a Sunday. The applicant is requested to amend the supply of alcohol to Sunday - Wednesday from 11:30 to 23:30.

(3) Live and Recorded Music

The applicant has applied to have live music until 24:00 Monday to Wednesday and until 02:00 Thursday to Sunday. However, this conflicts with the operating schedule provided with the application which states that "live bands would only play up until 23.00hrs. This needs to be clarified and amended.

The applicant has states that all windows and doors will be kept closed when live and recorded music are being played. However, the applicant has not addressed the potential noise problems that may arise due to the size of the existing double lobby at the front of the premises. The area between the outer and inner doors is so small that it is likely that the two sets of doors would be frequently opened at the same time, resulting in noise and disturbance to the flats opposite from the music when patrons are entering and leaving the premises. Consideration should therefore be given to either extending the double lobby or providing additional doors. The applicant should ensure that any such works comply with the relevant Building and Fire Regulations.

The applicant states that both live and recorded music will be controlled by the use of limiters and will be controlled and managed by Paul Morgan who is also the sound technician. It is suggested the applicant removes the named person from operating schedule.

The applicant has stated " for specification of the limiters please contact Paul Morgan of Paul sounds 07977264001" in the operating schedule. This is not acceptable, the applicant is requested to provide the specification of the limiters to be installed and how they will be set.

(4) Noise from Patrons Congregating Outside

Point 28 of the operating schedule states that "there will be security at the front entrances at all times to control any situation occurs that may lead to disturbance". The applicant needs to demonstrate that the number of security staff on the front entrance will be proportionate to the number of patrons to adequately control disturbance from patrons outside. It is also noted that the applicant states security staff will only be present after 22.00hrs therefore the statement above that security at all times is incorrect and needs to be amended.

In view of the above, I wish to object to the application until such time that the applicant can demonstrate that the premises will have no negative impact on the area and can demonstrate that the premises will be safe. However should the premises license application be granted, I would recommend that the following conditions are imposed in order to promote the licensing objective in respect of the prevention of public nuisance and protection of public safety:

Conditions/Restrictions

1. Hours of opening shall be restricted to :

Sunday-Wednesday: 11.30-00.00

Thursday- Saturday: 11.30-02.30

All other licensable activities (other than live music), shall cease 30 minutes before the closing time

2. Live music shall be restricted to:
Sunday - Thursday 11.30-23:00
Friday and Saturday 11.30-00.00.
3. Limiters shall be provided to all sound making equipment to control sound levels
4. All noise limiters shall be set at a level to be agreed with the Public Protection Department
5. There shall be no live music on the ground floor without a sound limiter.
6. Prior to the premises becoming operational, the premises licence holder shall submit a written noise management plan to the Public Protection Department, detailing how noise from the following will be controlled:
 - customers who congregate outside to smoke
 - customers queuing to enter the premises
 - customers leaving the premises
 - recorded and live music, particularly when patrons are entering and leaving the premises (if noise limiters are being used and the size of the existing lobby is not sufficiently extended, the noise level will be set with both sets of doors being in the open position).
7. The noise management plan referred to in condition (7) above, shall also include a timescale for implementing the controls, which shall be agreed in writing by the Public Protection Department. All controls which form part of the plan shall be implemented within the agreed timescales and shall be maintained thereafter. A copy of the noise management plan shall be kept on the premises.
8. The noise management plan shall be reviewed and amended accordingly at the request of any one of the Responsible Authorities where justified problems of noise and disturbance have occurred and any additional controls which are identified shall be carried out in full within a further timescale to be agreed with by the Responsible Authority requesting the review
9. There shall be no drinks consumed anywhere outside the curtilage of the premises.
10. I would request that the litter provisions as stated in the operating schedule numbers 29 -32 are imposed as conditions.

11. The premises shall not be opened to members of the public, until it can be demonstrated that the premises is in a safe condition by ensuring that the matters identified in appendix 1 are addressed to the satisfaction of the Public Protection Department.

If you have any queries regarding this matter, please do not hesitate in contacting me on the above extension.

A handwritten signature in black ink, appearing to read 'E. Aston', with a horizontal line extending to the right from the end of the signature.

Miss E Aston, Environmental Protection Officer

On behalf of **ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES**

Appendix 1 Health & Safety Policy

1. Where there are five or more employees, a written statement of general policy with respect to health and safety must be provided and revised as often as appropriate. The health and safety policy statement should set out how health and safety will be managed in the premises. It is a unique document that shows **who** does **what**; and **when** and **how** they do it.

The matters normally dealt with in the 'Arrangements' section of the safety policy would include: -

- | | |
|------------------------|---------------------------------|
| A) First Aid | G) Accident recording/reporting |
| B) Fire Safety | H) Training |
| C) Electrical Safety | I) House Keeping |
| D) Manual Handling | J) Machine Maintenance |
| E) Protective Clothing | K) Hazardous Chemicals |
| F) Lift Safety | L) Noise |

The above list is not exhaustive and any other matters relating to the specific business activities should be included.

Risk Assessments

2. A suitable and sufficient assessment of the risks to health and safety of employees and others shall be made. The assessment is a systematic examination of all work activities undertaken and the risks they create for employees, visitors, customers and others. A written record is required of the assessment if there are **more than five employees**.

The following principles should be applied when deciding the necessary control measures:

- if possible avoid a risk altogether e.g. do the work in a different way, taking care not to introduce new hazards
- combat the risks at source e.g. replacing slippery steps is better than displaying a warning sign;
- adopt working requirements to the individual;
- take advantage of technological and technical process;
- implement risk prevention measures that protect the whole workstation rather than individuals;
- ensure that all workers and other people on site understand what they must do; &
- the existence of a positive safety culture that is recognised at all levels within the organisation.

Procedures for Serious or Imminent Danger

3. Establish procedures to be followed in situations of serious or imminent danger e.g. fire, bomb alert etc. Procedures should set out clear guidance when workers should stop work and how they should move to a place of safety. Identify competent persons to implement procedures, identifying their specific roles and responsibilities. The procedures and competent persons must be brought to the attention of all staff.

Passenger Lift

4. Provide a lifting equipment certificate for the passenger lift. The lifts must be thoroughly examined by a competent person at intervals: -
 - a) Equipment for lifting persons or a lifting accessory must be examined **every six months**;
 - b) Other lifting equipment every 12 months; &
 - c) or in accordance with an examination scheme.

A LOLER report of the examination must be sent to the person responsible for the equipment (duty holder). **A copy of the latest record of such a check to this office must be forwarded to the Public Protection Department.**

The maximum load, which the lift can carry must be clearly marked in a conspicuous position within the lift car, this should include the maximum number of persons to be carried.

Gas Safety

5. All gas appliances and heating systems must be maintained in safe working order and checked for safety at least every 12 months by a competent person who is registered under the Gas Safe Register scheme. Up to date records of appropriate safety checks must be kept and made available for inspection. **A copy of the latest record of such a check must be forwarded to the Public Protection Department.**

Electrical Safety

6. The electrical installations (mains electrics) and portable equipment must be maintained in a safe working condition. In most commercial premises it is appropriate for the electrical installation to be inspected by a suitably competent person at least every 5 years. A competent person must be employed to test and inspect the mains electrical installations and keep a copy of this certificate at the premises so that it can be checked as and when required for future inspections. **A copy of the latest electrical inspection report must be forwarded to the Public Protection Department.**

Management of Asbestos

7. A person with responsibilities for the repair and maintenance of non-domestic premises must find out if there are, or may be, asbestos-containing materials (ACMs) within the building.

The duty to manage will require the duty holder to:

- Take reasonable steps to find asbestos on their premises and assess the condition of these materials;
- Presume that materials do contain asbestos unless there is strong evidence that they do not;
- Prepare a record of the location and condition of asbestos, or presumed asbestos, materials and assess the risks from them;
- Prepare and implement a plan to manage those risks; and
- Provide information on the location and condition of the materials to anyone who is liable to disturb them. (E.g. Staff, contractors)

The duty requires that information on the location and condition of the asbestos is made available to anyone liable to work on it or disturb it. Any employees involved in building

maintenance work and any contractors working on the premises should know if the building contains, or may contain, asbestos. They should also be told where it is and that there are potential risks to their health if they disturb it.

