



## COFNOD / MEMORANDUM

I / To:	Viv Symonds	Odd Wrth / From:	Sue Brown
Adran / Dept:	Licensing Department	Ein cyf / Our ref:	538523
Dyddiad / Date:	24 April 2017	Ffôn / Tel:	01446 700111
Eich Cyf / Your Ref:		Ebost / Email:	

**SUBJECT: APPLICATION TO VARY A PREMISES LICENCE  
ATHENA TAKE AWAY, 7 BROAD STREET, BARRY CF62 7AA**

I refer to your memorandum received by Environmental Health on 7 April 2017.

Environmental Health object to this application having regard to the objective of the **Prevention of Public Nuisance**

**1. Environmental Health issues identified as relevant to the Public Nuisance and Public Safety Licensing Objectives:**

The takeaway is situated on Broad Street in Barry. To either side, the rear and in front of the takeaway in question are situated residential properties mainly flats at the first floor level. (see attached map).

Careful consideration has been given to this application following a site visit to the area. The location of the premise and nearby residential property has been considered and the following is advised.

The main issues regarding this application are;

- noise emanating from external areas, namely the pavement as customers exit and enter the building and remain in the area consuming food and awaiting taxis.
- noise emanating from inside the building and thereby affecting adjoining occupiers.
- noise emanating from external areas of the building; that is the bin yard and associated equipment such as condensers, fans and extractor units.
- The effect that the business will have on nearby property occupants and the general residential amenity of the area.
- There is also a concern over the of the external waste carriers (e.g. wheelie bins) as their use into the early hours of the morning can be very intrusive.

## 2. Timings

- Standard Times applied for Late Night Refreshment:

Monday to Thursday	23:00 – 01:00 (as current)
Friday and Saturday	23:00 – 03:30
Sundays	23:00 – 24:00 (as current)

- Non Standard Times applied for :

Bank Holiday Sundays	23:00 – 04:00
Good Friday	23:00 – 04:00
Christmas Eve	23:00 – 04:00
Boxing Day	23:00 – 04:00
New Year's Eve	23:00 – 04:00

## 3. Context

3.1 There are a number of late night premises in the street including both take-aways and nightclub premises some of which have no planning restrictions, such as Athena takeaway. Subsequently restrictions with regard to opening /trading hours are therefore only in force due to the Premise Licence granted for Late Night Refreshment under the Licensing Act 2003.

3.2 However due to a lack of planning restrictions and the ability to operate later due to separate licensing legislation some premises in the street, such as two nightclubs close by open until 03:30.

3.3 This is obviously having a knock on effect in terms of the opening hours of take-aways in the vicinity, leading to many to open illegally as in beyond both their permitted planning hours or licensing hours.

3.4 I myself have witnessed a number of takeaways to be operating beyond their permitted licensing hours of 02:00 so to service the patrons leaving the nightclubs at 03:30. However with regard to Athena in particular information regarding opening would have to be ascertained from the applicant and the South Wales Police.

3.5 Recent opening hours, and further extending opening hours, leads to noise and disruption on the street to well beyond 03:30 in the morning not only from those customers leaving the nightclubs but from members of the public that then stay in the area to purchase and eat food in the street from the takeaways in the vicinity.

3.6 This matter of noise on the street cannot be controlled by either licensing or planning conditions as once patrons are on the pavement they are beyond the jurisdiction of any premise operator.

3.7 The only way that the residents, many of who do live on Broad St, High St and Queen Street can have their amenity protected and public nuisance be prevented is to continue to limit the opening hours of the takeaways, including Athena, in the area.

3.8 Recent proactive action by South Wales Police with regard to the matter of operating beyond permitted licensed hours has been raised with a number of takeaways and consequently some have been closing at 02:00. This has led to a drop in the number of people staying on Broad Street, and the adjoining streets, subsequently the level of noise, disruption and I understand crime has dropped.

#### **4. Conclusion**

Is my opinion that this application should not be granted so continue to offer the degree of prevention of public nuisance and protection of residential amenity offered by the current premise licence and trading hours.

If this application is permitted the level of noise, disruption, nuisance and crime will again increase and public nuisance not be prevented and residential amenity not be protected.



**Sue Brown**  
**Environmental Health Officer**

