

COFNOD / MEMORANDUM

I / To: **Viv Symonds**
Adran / Dept: **Licensing Department**
Dyddiad / Date: **07 June 2018**
Eich Cyf / Your Ref:

Oddi Wrth / From: **Sue Brown**
Ein cyf / Our ref: **SB1-613943**
Ffôn / Tel: **0300 123 6696**
Ebost / Email: 

SUBJECT: PREMISES LICENCE APPLICATION

LOCATION: 3 THOMPSON STREET, BARRY, VALE OF GLAMORGAN, CF63 4JL

I refer to your memorandum received by this department on 11 May 2018 this department has comments to make regarding the above application.

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

The premise at 3 Thompson Street consists of a ground floor commercial unit and two residential flats. The premises are off the main retail street of Holton Rd in Barry.

As can be seen from the map (blue dots; commercial, green dots; residential) and photos below the area is a mix of retail and residential establishments with flats to be found above this and other shops within the retail area.





Premise in question is named Babs Baps at the time of photo being taken

Careful consideration has been given to this application, the location of the premise and nearby residential properties has been considered along with the current planning conditions in relation to the building, subsequently the following is advised.

The main issues regarding this application are;

- Noise emanating from the patrons and staff in the premise itself noting the two residential flats above the ground floor unit and other residential accommodation in the close vicinity.
- Noise emanating from the patrons on the street as the premise does not have a beer garden or smoking area.
- The effect that the use of the premise could have on the wider area, and on nearby property occupants as customers and staff use and leave the area noting the dense residential area to Merthyr Street and beyond.

2. Timings

The application is for the supply of alcohol and Late Night Refreshment seven day a week.

- Standard Times applied for supply of alcohol and Late Night Refreshment are:

Monday to Sunday	08:00 – 00:00
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With opening hours of;

Monday to Sunday	08:00 – 00:30
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3. Observations and Recommendations

- Mr Gee the applicant should be well aware that following a planning application, discussions with the Local Planning Authority and Environmental Health the following planning conditions and thereby restrictions apply in relation to 3 Thompson Street. Mr Gee also made the planning application;

1. The property shall only be used for the purpose of a cafe/deli as specified in the application and for no other purpose whatsoever, including any other purpose in Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

2. The use hereby permitted shall not take place outside the hours of 07:00 to 22:30 Monday to Saturday and 09:00 to 22:30 on Sundays and bank holidays.

Reason:

To safeguard the amenities of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

3. No staff shall be permitted onto the premises, no preparation or cleaning shall be carried out and no deliveries taken at or despatched from the premises outside the hours of 07:00 to 23:00 Monday to Saturday and 09:00 to 23:00 on Sundays and bank holidays.

Reason:

To safeguard the amenities of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

(2015/01491/FUL)

- The above conditions as well as safeguard residential amenity have a significant bearing in relation to the objectives of the prevention of public nuisance and public safety.
- The Committee should be mindful that should they grant a Premise Licence to this establishment for the supply of alcohol that due to de-regulation no licence permission is required for live and recorded music and it can take place between 08:00 and 23:00.
- Also as permission will not be required for live and recorded music conditions cannot be imposed on the Premise Licence.
- The Revised Guidance issued under section 182 of the Licensing Act 2003, April 2018, issued by the Home Office states the following;

14.65 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee

- a) Should Committee grant as applied for the hours on the Premises Licence would state closure at 00:30 which would go beyond those permitted by the Local Planning Authority.

Monday to Saturday: 07:00-22:30

Sundays and Bank Holiday: 09:00-22:30

With staff only allowed on the premises between 07:00 to 23:00 Monday to Saturday and 09:00 to 23:00 on Sundays and bank holidays.

4. Conclusion

It is for the Committee to decide should this premise with permission for a café/ deli only, and no other A3 use, such as a bar or music venue be granted permission to supply alcohol and thereby default and de-regulation be permitted to have live and recorded music 08:00 until 23:00.

Due to the mixed residential nature of the area and the fact that there are residential neighbours above, as well as in close vicinity it is the conclusion of Environmental Health that the Committee should not grant a Premises Licence for the supply of alcohol and by default live and recorded music.

SUE BROWN
ENVIROMENTAL HEALTH OFFICER