

Meeting of:	Licensing Sub-Committee
Date of Meeting:	Wednesday, 30 October 2019
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Variation of a Premises Licence Baroque, 18 Windsor Road, Penarth, CF64 1JH
Purpose of Report:	To consider an application under the Licensing Act 2003 to Vary a Premises Licence.
Report Owner:	Licensing Authority
Responsible Officer:	The Licensing Authority
Elected Member and Officer Consultation:	Statutory Consultation
Policy Framework:	This is a matter for decision by the Licensing Act 2003 Sub Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> To consider an application under the Licensing Act 2003 ("the Act") for the Variation of a Premises Licence at Baroque, 18 Windsor Road, Penarth, CF64 1JH, submitted by BQ Trading Ltd. 	

Recommendations

- 1.** The Sub-Committee is required to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office, the application and any representations submitted.

If minded to grant the application, 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. Section 10 of the Home Office Guidance relates to conditions attached to Premises Licences, Mandatory conditions apply to the licence in respect of a Designated Premises Supervisor, age verification policy and authorisation by personal licence.

Reasons for Recommendations

- 1.** To advise the Members of the relevant options available to them under the Licensing Act 2003 in determining the matter.

1. Background

- 1.1** The Licensing Act 2003 centres around four licensing objectives. The objectives are:
 - The prevention of crime and disorder
 - Public Safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.2** On 18th May 2018 a Premises Licence was granted for Baroque, 18 Windsor Road, Penarth. A copy of the Premises Licence can be found at Appendix A.
- 1.3** On 4th September 2019 the Licensing Authority received an application for the Variation of a Premises Licence for Baroque, 18 Windsor Road, Penarth, submitted by BQ Trading Ltd. A copy of the relevant parts of the application form is attached at Appendix A to this Report.
- 1.4** The application requests the variation of the premises licence as follows;
 - To extend the Opening Hours of the premises from 08.00 to 02.30, to 08.00 to 03.30
 - To extend the hours for Regulated Entertainment from 08.00 to 02.30, to 08.00 to 03.30
 - To extend the hours for the Sale of Alcohol from 08.00 to 02.20, to 08.00 to 03.10
 - To extend terminal hour for Late Night Refreshment to 03.30 rather than 02.30
 - To add permission to provide Boxing and Wrestling Entertainments 08.00 to 03.30
 - To add 'an extra 10 events per calendar year until 04.00 as long as the premises licence holder notifies the police at least 14 days in advance of the dates required.'

2. Key Issues for Consideration

- 2.1** The period for making representations ended on 2nd October 2019.
- 2.2** Under The Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 a Responsible Authority or any other person may make relevant representations at any time during the 28 day consultation period.
- 2.3** On 13th September 2019 a representation was received from Penarth Town Council. A copy of the representation is attached at Appendix C.
- 2.4** On 2nd October 2019 representations were submitted on behalf of the Licensing Authority and the Responsible Authority Shared Regulatory Services Environmental Health Team. These are attached at Appendices D and E.
- 2.5** The authority is only empowered to consider relevant representations as defined in Section 18 (6) of the Licensing Act 2003 that is, "representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives" which are not deemed frivolous or vexatious.
- 2.6** Members must also have regard to the statutory guidance issued by the Home Office under Section 182 of the Licensing Act 2003. This further identifies the matters which a Licensing Authority may take into account under the individual licensing objectives.
- 2.7** A Premises Licence, once granted, will generally remain in force indefinitely. The circumstances in which it will not do so are when:
It is revoked; or
The applicant requests a licence for a limited time only; or
It is suspended; or
It lapses due to some incapacity on the part of the licence holder; or
It is surrendered.

This matter has been referred to a Sub-Committee for determination as officers do not have the delegated authority to determine applications where relevant representations have been received and not withdrawn.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** This report supports the well-being outcome of An Inclusive and Safe Vale

4. Resources and Legal Considerations

Financial

- 4.1** Fees associated with the issue of Licences are set in statute and support the administration and enforcement of the Licensing Act 2003 functions.

Employment

- 4.2** None

Legal (Including Equalities)

- 4.3** Section 35 of the Licensing Act 2003 - Determination of an application to vary a Premises Licence - provides that;
- 4.4** (1) This section applies where the relevant licensing authority-
- (a) receives an application to vary a Premises Licence made in accordance with section 34, and
- (b) is satisfied that the applicant has complied with any requirement imposed on the applicant under subsection (5) of that section.
- and,
- (3) Where relevant representations are made, the authority must-
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary
- The Licensing Authority has therefore determined that the application meets the requirements of both the Licensing Act 2003 and its Guidance, and can be processed accordingly.
- The Licensing Act 2003 Sub-Committee should have regard to the Vale of Glamorgan Council's Statement of Licensing Policy, and pay particular attention to Sections 3, 7, 8 and 12.
- 4.5** The Licensing Authority has therefore determined that the application meets the requirements of both the Licensing Act 2003 and its Guidance, and can be processed accordingly.
- 4.6** The Licensing Act 2003 Sub-Committee should have regard to the Vale of Glamorgan Council's Statement of Licensing Policy, and pay particular attention to Sections 3, 7, 8, 12 and 20. There are no specific policies relating to the area for this type of application.

5. Background Papers

The Licensing Act 2003; The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003; Regulations to the 2003 Act; Vale of Glamorgan Council's Statement of Licensing Policy.

Licensing Act 2003

Premises Licence**PRM AS0704**

LOCAL AUTHORITY

**The Vale of Glamorgan Council**

Civic Offices
Holton Road
Barry
Vale of Glamorgan
CF63 4RU

Licensing@valeofglamorgan.gov.uk

tel: 01446 709105

web: www.valeofglamorgan.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Baroque

18a Windsor Road, Penarth, Val of Glamorgan, CF64 1JH.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- provision of late night refreshment
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
A. Performance of a play (Indoors)	Monday to Sunday British Summer Time commencing plus one hour	8:00am	2:30am
	New Years Day From the end of hours on New Year's Eve until 03:30 New Year's Day		
B. Exhibition of films (Indoors)	Monday to Sunday British Summer Time commencing plus one hour	8:00am	2:30am
	New Years Day From the end of hours on New Year's Eve until 03:30 New Year's Day		
C. Indoor sporting event	Monday to Sunday British Summer Time commencing plus one hour	8:00am	2:30am
	New Years Day From the end of hours on New Year's Eve until 03:30 New Year's Day		



THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Monday to Sunday	8:00am	Midnight
	British Summer Time commencing plus one hour		
	New Years Day	8:00am	Midnight
F. Playing of recorded music (Indoors)	Monday to Sunday	8:00am	2:30am
	British Summer Time commencing plus one hour		
	New Years Day From the end of hours on New Years Eve until 03:30 New Years Day		
G. Performance of dance (Indoors)	Monday to Sunday	8:00am	2:30am
	British Summer Time commencing plus one hour		
	New Years Day From the end of hours on New Year's Eve until 03:30 New Year's Day		
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday to Sunday	8:00am	2:30am
	British Summer Time commencing plus one hour		
	New Years Day From the end of hours on New Year's Eve until 03:30 New Year's Day		
I. Late night refreshment (Indoors & Outdoors)	Monday to Sunday	8:00am	2:30am
	British Summer Time commencing plus one hour		
	New Years Day From the end of hours on New Year's Eve until 03:30 New Year's Day		
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Sunday	8:00am	2:20am
	British Summer Time commencing plus one hour		
	New Years Day From the end of hours on New Year's Eve until 03:20 New Year's Day		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	8:00am	2:30am
British Summer Time commencing plus one hour		
New Years Day From the end of hours on New Year's Eve until 03:30 New Year's Day		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises



Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Baroque Penarth Limited

[REDACTED]

[REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Baroque Penarth Limited

11247021

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Kevin WILLIAMS

[REDACTED]

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. CCC1/02310

Issued by Cardiff



Premises Licence

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Supply of Alcohol (on or off sales)

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence, or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Exhibition of Films

Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

- “children” means persons aged under 18; and
- “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Door Supervision

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must

(a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or

(b) be entitled to carry out that activity.

But nothing in subsection (1) requires such a condition to be imposed-

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to-



Premises Licence

ANNEXES continued ...

- (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
- (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and
- (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Minimum Pricing (On and Off Sales)

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979();
- (b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994..

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the



Premises Licence

ANNEXES continued ...

second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Irresponsible Drinks Promotions (On Sales)

1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

Free drinking water (On Sales)

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

Age verification Policy (Off sales)

(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-



ANNEXES continued ...

- (a) a holographic mark, or
- (b) an ultraviolet feature.

Smaller Measures (On sales)

The responsible person must ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. A CCTV system shall be installed to a standard by a South Wales Police Architectural Liaison Officer covering all areas that the public has access (excluding toilets). Including all entrances and exits with coverage extending to the middle of the road. The system will be maintained and operated at all times that the premises are open to the public and there will be a storage facility of images for 31 days and images will be produced at the request of the police as soon as reasonably practical.
2. A minimum of four suitable SIA qualified door supervisors will be employed at the premises should they open beyond midnight over two floors.
3. A minimum of two suitable SIA qualified door supervisors will be employed at the premises should they open beyond midnight on one floor only.
4. Premises will fully embrace the Challenge 21 scheme and accept only approved identification.
5. The premises will use a radio system approved by South Wales Police at all times the premises is open to the public.
6. The premises will be an active and fully supportive member of PubWatch or ClubWatch where such schemes are operating.
7. The premises management and fire routine must be adopted to ensure that all staff are aware of the requirements for the safe operation of the equipment.



ANNEXES continued ...

8. Overcrowding in such a manner as to endanger the safety of the public shall not be permitted in any part of the premises.
9. The premises shall comply with any reasonable fire prevention and safety measures that may be required by the Licensing Authority and Chief Fire Officer.
10. The Licensee shall ensure that public liability insurance cover is in effect in respect of the premises. Such cover shall be adequate having regard to the number of persons permitted onto the premises.
11. Frequent and periodic testing of fire alarms and evacuation procedures shall be carried out.
12. Staff shall receive relevant training.
13. Door staff will monitor customers leaving the premises requesting customers leave quietly.
14. Prominent clear and legible signage may need to be placed at all exits requesting that patrons respect the needs of local residents and leaving the premises and surrounding area quietly.
15. No children will be allowed in or remain on the premises after 2200 hours.
16. Adequate proof of age requirements to be in place.
17. Noise shall not be permitted to emanate from the premises so as to cause a public nuisance to the occupiers of nearby properties.
18. External areas used for the consumption of alcohol, beverages and smoking shall be closed 15 minutes prior to the closure of the premises, and shall be managed to limit noise and disturbance.
19. Clearly legible notices shall be displayed at all exits from the premise requesting public, members, guests and staff to respect the needs of local residents and to leave the premise and area quietly.
20. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles and refuse, outside between 23:00 hours and 08:00 hours, nor any movement of waste, equipment or materials between these hours.
21. Doors and windows, including fire exit doors and windows in toilets, shall be kept closed as far as reasonably practicable to reduce the noise impact from the licensed premises at neighbouring properties.



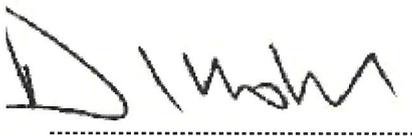
ANNEXES continued ...

22. A noise limiter shall be fitted to the musical amplification system in agreement with and to the satisfaction of an authorised officer of the responsible environmental health authority. The noise limiter shall be set and maintained at a level to be decided upon by the said officer.

23. In order to maintain the acoustic integrity of the premises during the provision of regulated entertainment, a detailed technical specification of the ventilation equipment and sound insulation measures to be used shall be submitted to and agreed by the Environmental Health Authority. The submission of information and agreement of measures taken shall take place within 3 months of commencement of the Premises Licence. Any alterations and modifications that would affect ventilation and insulation measures shall not take place without further submission/s and agreement with Environmental Health. Submission and agreement shall take place prior to works being carried out.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable



.....
D I Holland
Head of Shared Regulatory Services



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We BQ Trading LTD

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PRM AS0704
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 18 Windsor Road			
Post town	Penarth	Postcode	CF641JH

Telephone number at premises (if any)	02920259480
Non-domestic rateable value of premises	£22000

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To extend hours for
Closing time
Retail sale of alcohol
Regulated entertainment
Some seasonal variations

Tio included an extra 10 events per calendar year until 4:00hrs as long as the premise licence holder notifies the Police at least 14 days in advance of the dates required

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input checked="" type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08:00	03:30	<u>Please give further details here</u> (please read guidance note 5)		
Tue	08:00	03:30			
Wed	08:00	03:30	<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Thur	08:00	03:30			
Fri	08:00	03:30	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	08:00	03:30	British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30		
Sun	08:00	03:30			

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u> <u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u> <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u> British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30		
Mon	08:00	03:30			
Tue	08:00	03:30			
Wed	08:00	03:30			
Thur	08:00	03:30			
Fri	08:00	03:30			
Sat	08:00	03:30			
Sun	08:00	03:30			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon	08:00	03:30	
Tue	08:00	03:30	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed	08:00	03:30	
Thur	08:00	03:30	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri	08:00	03:30	British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30
Sat	08:00	03:30	
Sun	08:00	03:30	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	08:00	03:30			
Tue	08:00	03:30	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)		
Wed	08:00	03:30			
Thur	08:00	03:30	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	08:00	03:30			
Sat	08:00	03:30	British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30		
Sun	08:00	03:30			

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon	08:00	03:30						
Tue	08:00	03:30						
Wed	08:00	03:30				State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur	08:00	03:30						
Fri	08:00	03:30				Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	08:00	03:30						
Sun	08:00	03:30	British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 5)					
Mon	08:00	03:30						
Tue	08:00	03:30						
Wed	08:00	03:30				State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur	08:00	03:30						
Fri	08:00	03:30						
Sat	08:00	03:30				Non standard timings. Where you intend to use the premises for the <u>playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun	08:00	03:30						
			British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	08:00	03:30	<u>Please give further details here</u> (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	08:00	03:30			
Wed	08:00	03:30	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur	08:00	03:30			
Fri	08:00	03:30	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7) British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30		
Sat	08:00	03:30			
Sun	08:00	03:30			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing comedian		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Mon	08:00	03:30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	08:00	03:30	<u>Please give further details here</u> (please read guidance note 5)		
Wed	08:00	03:30			
Thur	08:00	03:30	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri	08:00	03:30			
Sat	08:00	03:30	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun	08:00	03:30			

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	03:00	Please give further details here (please read guidance note 5)		
Tue	23:00	03:00			
Wed	23:00	03:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	03:00			
Fri	23:00	03:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30		
Sat	23:00	03:00			
Sun	23:00	03:00			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Mon	08:00	03:10			
Tue	08:00	03:10			
Wed	08:00	03:10			
Thur	08:00	03:10			
Fri	08:00	03:10			
Sat	08:00	03:10			
Sun	08:00	03:10	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:10		
Thur	08:00	03:10			
Fri	08:00	03:10			
Sat	08:00	03:10			
Sun	08:00	03:10			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p>
--

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	03:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) British summer time commencing past midnight, to extend plus one and a half additional hours 02:00 - 03:30
Tue	08:00	03:30	
Wed	08:00	03:30	
Thur	08:00	03:30	
Fri	08:00	03:30	
Sat	08:00	03:30	
Sun	08:00	03:30	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

To remain as the present conditions of the licence

b) The prevention of crime and disorder

To remain as the present conditions of the licence

c) Public safety

To remain as the present conditions of the licence

d) The prevention of public nuisance

To remain as the present conditions of the licence

e) The protection of children from harm

To remain as the present conditions of the licence

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	04/09/2019
Capacity	Owner

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
Post town		Post code	
Telephone number (if any)			

Symonds, Viv

From: Licensing
Sent: 13 September 2019 11:22
To: Symonds, Viv; Brook, Katie L
Subject: FW: Application to Vary A Premises License, Baroque, 18 Windsor Road, Penarth

FYI

From: Emma Boylan [REDACTED]
Sent: 13 September 2019 09:41
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Application to Vary A Premises License, Baroque, 18 Windsor Road, Penarth

Dear Licensing Committee,

The Penarth Town Council Planning Committee has met and discussed the above application.

It feels it does not meet any of the four licensing objectives as it is an anti-social proposal which is not supported.

I would be grateful if you could let the Licensing Committee members know of this observation on 30th October 2019.

Kind regards

Emma Boylan BA (Hons) S.I.L.C.M.

Town Clerk

Penarth Town Council | Cyngor Tref Penarth

p: 02920713844 m: 07740537535

w: www.penarthtowncouncil.gov.uk e: [REDACTED]@k



From: Emma Boylan [REDACTED]@penarthtowncouncil.gov.uk>

Sent: 16 September 2019 15:10

To: Licensing <Licensing@valeofglamorgan.gov.uk>

Cc: Symonds, Viv [REDACTED]

Subject: RE: Application to Vary A Premises License, Baroque, 18 Windsor Road, Penarth

Hi Viv,

Members feel that the application if successful would generate antisocial behaviour in Penarth with people leaving the Baroque premises in the early hours of the morning up to possibly 4am on certain occasions. There are residential streets adjacent to Windsor Road and also residences on Windsor Road itself. If the premises are open from 8am through to a 3.30 or 4am close, this does not assist further with discouraging the prevention of crime and disorder when people have longer to consume alcohol. The anti-social behaviour this engenders may impact upon public safety and does nothing to prevent public nuisance as a result. This covers 3 of the four objectives.

Therefore, the Committee unanimously disagreed with this proposal being supported.

If this remains insufficient information, please let me know.

Kind regards
Emma

COFNOD / MEMORANDUM

I / To:	Viv Symonds	Oddi Wrth / From:	Sue Brown
Adran / Dept:	Licensing Department	Ein cyf / Our ref:	SB1-
Dyddiad / Date:	02 October 2019	Ffôn / Tel:	08 [REDACTED]
Eich Cyf / Your Ref:		Ebost / Email:	[REDACTED]@valeofglamorgan.gov.uk

Subject: PREMISES LICENCE APPLICATION

LOCATION: BAROQUE NIGHT CLUB, 18A, WINDSOR ROAD, PENARTH, VALE OF GLAMORGAN, CF64 1JH

I refer to your memorandum received by Shared Regulatory Services on 5 September 2019.

Environmental Health object to this application

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

Baroque Nightclub, the large double front red brick building shown below to the right hand side of the photography, is a long established business on Windsor Rd, Penarth.



Historically the premise has been the subject of noise complaints in relation to noise breakout due to windows being opened and /or the volume of the music being such that the large single glazed windows cannot contain the noise.

Noise complaints have also emanated due to patrons on the pavement being noisy whilst accessing and egressing the premises smoking etc.

Whilst carrying out proactive and complaint visits within the Vale of Glamorgan including Penarth, as well as a Night Time Noise Officer in Cardiff, I have evidenced that noise complaints due to general street noise emanating from club goers as they leave late night establishments are justified as well as those complaints due to Regulated Entertainment.

It is common to observe large crowds of noisy, poorly managed patrons to gather in the street whilst Clubs are open and on closing.

It should be noted as can be seen in the photograph below; there are a number of flats on the opposite side of the road in Windsor Lofts.



Historically residents in these flats have complained to this department, councillors and assembly members about various issues including street noise emanating from patrons of the premises and noise – loud music breakout.

As can be seen from the map below, which marks the application premise in question with a red cross, there are a large number of homes within the vicinity of Baroque, on Ludlow Street and Bradenham Place as well as Windsor Rd and Windsor Terrace these are marked with green symbols, the blue dots indicating commercial premises above some of which there are residential flats.



It is well established that late night premises, let alone the extension of trading hours, effects the amenities of a residential area. Noise monitoring in the area has shown that after 24:00 and until 05:00 in the morning the background levels(LA90) fell.

By half midnight the levels are 27.0dBA clearly showing the nature of the neighbourhood– very quiet. As the area is a residential area the management of the premise, trading hours and conditions for trading should take this into account.

Should the applicant be permitted to open the hours he has applied for which go above and beyond those held on his current Premises Licence he would extend his opening hours by one and half hours.

Timings

Hours applied for;

Supply of Alcohol

Monday to Sunday 08:00 – 03:10
An increase of 40 minutes on the previous time of 02:30

Regulated Entertainment and Late Night Refreshment;

Monday to Sunday 08:00 – 03:30
An increase of 1 hour on the previous time of 02:30

Opening Hours;

Monday to Sunday 08:00 – 03:30
An increase of 1 hour on the previous time of 02:30

Non Standard Timings

10 Events per year to terminate at 04:00 at 14 days notice to South Wales Police
An increase of 1.5 hours on the previous time of 02:30

British Summer Time an from 02:00 until 03:00 An increase of 1.5 hours

Conclusion

It is advised that as the area has a large amount of residential homes close by and has very low background noise levels at night the management of premises, trading hours and conditions for trading should take this into account.

Due to the proximity of the residential premises and the noise that has been witnessed emanating from the pavements in front of and close to the Club as well as in relation to music from the Club, historically, it is advised that the hours for regulated entertainment, the supply of alcohol and opening NOT be extended, beyond those currently held so to prevent public nuisance.

SUE BROWN
NEIGHBOURHOOD SERVICES OFFICER

MEMORANDUM / COFNOD

The Vale of Glamorgan Council
Public Protection Services
Legal, Public Protection and Housing Services Directorate
Civic Offices, Holton Road
BARRY, CF63 4RU



To: Licensing Authority

Dept / Adran:
Date/Dyddiad

:
Your Ref / PRM AS704
PREich Cyf: Baroque

From /
Oddi Wrth: Licensing Enforcement
My Ref/Cyf
Tel / Ffôn:

Fax /
Ffacs:

Subject / Re: Application for the Variation of a Premises Licence
Testyn: Baroque, 18 Windsor Road, Penarth, CF64 1JH

In my role as a Responsible Authority Officer I wish to make representations that the application in its current format will have an adverse impact on the licensing objectives of the prevention of crime and disorder, public nuisance and public safety.

Observations

In determining the application I would request that the Licensing Authority consider the following points;

1. The application submitted requests permission to extend the terminal hour for licensable activity from 2.30am to 3.30am for regulated entertainment, and 3.10 for the sale of alcohol with the premises closing at 3.30am. It also seeks to include an extra 10 occasions per year where the retail sale of alcohol will cease at 4.30 am and to add boxing and wrestling to the licence to the same hours.

Section 182 of the statutory guidance issued by the Home Office states:

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

Despite the fact that the applicant is proposing closing a full hour later than the current closing time, and adding licensable activities, they do not propose any additional steps to promote the four licensing objectives; or at least demonstrate that they have carried out a risk assessment and concluded that no additional conditions are appropriate.

2. The application further requests '10 Events per year to terminate at 4.00am at 14 days' notice to South Wales Police.'

Section 182 of the statutory guidance issued by the Home Office states:

8.78 It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays and St. George's or St. Patrick's Day – and to include appropriate opening hours in their operating schedules. Similarly, temporary event notices should be sufficient to cover other events which take place at premises that do not have a premises licence or club certificate.

This appears to be an attempt to circumvent the licensing regime. Temporary Event Notices already allow 'extensions' to the premises licence on 21 days per year with formal notice given to the Licensing Authority, South Wales Police and Environmental Health.

3. The Regulated Entertainment at the premises includes Plays, Films, Indoor Sports, Live and Recorded Music and Performances of Dance, and anything similar to music and dance. The application also requests the addition of Boxing and Wrestling.

Since deregulation in 2015 a licence is only required for Plays if the audience is greater than 500, or the performance takes place outside the hours of 08.00 to 23.00.

A licence is only required for Indoor Sporting Events if the audience is greater than 1000, or the performance takes place outside the hours of 08.00 to 23.00.

With regard to the provision of Boxing and Wrestling the Licensing Authority should consider whether the premises in question is suited to hosting this activity.

Recommendations

In light of the anomalies in the application and the lack of any measures proposed to promote the licensing objectives the Licensing Authority cannot recommend the approval of the application.

Conclusion

The application should be clear about the licensable activity that is actually going to be provided at the premises, and propose clear and appropriate conditions that will address any potential impact on the licensing objectives that this variation of the licence may cause.



Ilaria Agostini-Green
Senior Licensing Officer (Enforcement)