

Meeting of:	Licensing Sub-Committee
Date of Meeting:	Tuesday, 30 March 2021
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Variation of a Premises Licence
Purpose of Report:	To consider an application under the Licensing Act 2003 for Variation of 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
Executive Summary: • To consider an app	lication under the Licensing Act 2003 ("the Act") for the variation of a

Premises Licence at Oystercatcher, Terra Nova Way, Penarth, CF64 1SB, submitted by Greene King Retailing 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** Greene King Retailing Ltd currently hold a premises licence for The Oystercatcher Terra Nova Way, Penarth, CF64 1SB a copy is attached at Appendix A to this Report.
- **1.3** On 3rd February 2021 the Licensing Authority received an application for the variation of a Premises Licence for Oystercatcher, Terra Nova Way, Penarth, CF64 1SB, submitted by Greene King Retailing Ltd. A copy of the relevant parts of the application form is attached at Appendix B to this Report.

2. Key Issues for Consideration

- **2.1** The period for making representations ended on 3rd March 2021.
- 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** One representation was received from South Wales Police during the consultation period. A copy of the representation is attached to the Report at Appendix C.
- 2.4 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.
- **2.5** 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.
- 2.6 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 18 of the Licensing Act 2003 provides as follows;

18 Determination of application for premises licence

(1)This section applies where the relevant licensing authority—

(a) receives an application for a premises licence made in accordance with section 17, and

(b) is satisfied that the applicant has complied with any requirement imposed on him under subsection (5) of that section.

(2) Subject to subsection (3), the authority must grant the licence in accordance with the application subject only to—

(a) such conditions as are consistent with the operating schedule accompanying the application, and

(b) any conditions which must under section 19, 20 or 21 be included in the licence.

(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, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are—

(a) to grant the licence subject to-

(i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and (ii) any condition which must under section 19, 20 or 21 be included in the licence;

(b) to exclude from the scope of the licence any of the licensable activities to which the application relates;

(c) to refuse to specify a person in the licence as the premises supervisor;(d) to reject the application.

- **4.4** 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.
- **4.5** 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.

APPENDIX A

PRM AS0265

Licensing Act 2003 **Premises Licence**

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

Oystercatcher

Terra Nova Way, Penarth, Vale of Glamorgan, CF64 1SB.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	11:30pm
	Bank Holidays (excluding Banl & Monday, St. Patrick's Day & holiday - to cease at 12 midnig	K Holiday Mond St. George's D ht.	New Year's Day, Spring & August lay's), Good Friday, Easter Sunday lay, any other publicly declared o the beginning of licensing hours
F. Playing of recorded music (Indoors)	Monday to Sunday	11:00am	11:30pm
	Bank Holidays (excluding Banl & Monday, St. Patrick's Day & holiday - to cease at 12 midnig	K Holiday Mond St. George's D ht.	New Year's Day, Spring & August lay's), Good Friday, Easter Sunday lay, any other publicly declared o the beginning of licensing hours







Telephone 02920 709836

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THE TIMES THE LICENCE AUTHORISES	THE CARRYING OUT OF LICENS	ABLE ACTIVITIES cont	tinued	
Activity (and Area if applicable)	Description	Time From	Time To	
G. Performance of dance (Indoors)	Monday to Sunday	11:00cm	11:20pm	
	Monday to Sunday	11:00am	11:30pm	
	Bank Holidays (excluding & Monday, St. Patrick's D holiday - to cease at 12 n	I Bank Holiday Mon Day & St. George's I nidnight.	New Year's Day, Spring & August day's), Good Friday, Easter Sunday Day, any other publicly declared o the beginning of licensing hours	
H. Entertainment of a similar descrip	otion to that falling within E, F, or Monday to Sunday	G (Indoors) 11:00am	11:30pm	
	Bank Holidays (excluding & Monday, St. Patrick's D holiday - to cease at 12 n	I Bank Holiday Mon Day & St. George's I nidnight.	New Year's Day, Spring & August day's), Good Friday, Easter Sunday Day, any other publicly declared o the beginning of licensing hours	
I. Late night refreshment (Indoors & Outdoors)				
	Monday to Sunday	11:00pm	Midnight	
	Bank Holidays, Good Frid George's Day, preceding declared holiday - one ho	day, Éaster Sunday and following day c our extra (0100hrs).	New Year's Day, Spring & August & Monday, St. Patrick's Day & St. f a Bank Holiday, any other publicly o the beginning of licensing hours	
J. Supply of alcohol for consumption	ON and OFF the premises Monday to Sunday	9:00am	Midnight	
	Bank Holidays, Good Frid George's Day, preceding declared holiday - one ho	day, Éaster Sunday and following day c our extra (0100hrs).	New Year's Day, Spring & August & Monday, St. Patrick's Day & St. of a Bank Holiday, any other publicly o the beginning of licensing hours	
THE OPENING HOURS OF THE PREMIS	SES			
	Description	Time From	Time To	
	Monday to Sunday	7:30am	12:30am	
	Bank Holidays, Good Frid	day, Easter Sunday and following day c	New Year's Day, Spring & August & Monday, St. Patrick's Day & St. f a Bank Holiday, any other publicl	



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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



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Part 2

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

Greene King Retailing Ltd licensing@greeneking.co.uk Abbot House, Bury St Edmunds, Suffolk, IP33 1QT. Telephone 01284 763286

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

Greene King Retailing Ltd

3298903

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

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

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ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Supply of Alcohol

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

Irresponsible Drinks Promotions

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).

2- Free drinking water

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

3- Age verification Policy

(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-

(a)a holographic mark, or

(b)an ultraviolet feature.

4- Smaller Measures

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: 1/2 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;



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ANNEXES continued ...

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.

Minimum Pricing

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 (**<http://www.legislation.gov.uk/ukdsi/2014/9780111113998>**); (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 (http://www.legislation.gov.uk/ukdsi/2014/978011113998).

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 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.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

1. Exterior areas shall be illuminated from dusk until the premises is vacated by the public.

2. Notices requesting customers to leave quietly shall be prominently displayed on the premises.

3. External background music shall be turned off at 21:00.

4. All windows and external doors shall be closed during regulated entertainment in the form of live performance of music save for access and egress.

5. Notice explaining age restrictions shall be prominently displayed on gaming machines.

6. All children must be accompanied by a responsible adult.

Additional Conditions (attached following licence variation approved 06/06/07)

Capacity and Safe Condition of Premises

1. The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupant



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ANNEXES continued ...

capacity as specified by the Fire Risk Assessment from time to time (such number to be inclusive of public, staff and performers working at the premises), and overcrowding in any part of the premises which would interfere with the safety of the public shall not be permitted.

2. Outside areas shall not be used after 23:00 with the exception of the designated smoking areas (patio area adjacent to the front entrance and the external facility, as per the licensing plan) and staff areas (within the private fenced area). After 23:00 persons will be permitted to smoke in these areas but must refrain from the consumption of beverages and food.

3. Attendants shall as far as reasonably practicable be evenly spread throughout all parts of the premises to which the public have access and keep under observation all parts of the premises to which the audience have access.

Compressed Gases and Liquids

4. Mobile applicances utilising cylinders or containers of flammable gas, such as Calor gas heaters, shall not be used on the premises.

Certificates

5. The certificates listed below shall, where appropriate, be held for inspection by the Responsible and Licensing Authorities:

- (a) any emergency lighting battery or system
- (b) any electrical installation
- (c) any boiler
- (d) any air compressor
- (e) any fire alarm system
- (f) any lift or hoist
- (g) any mechanical installation
- (h) any safety curtain
- (i) any permanently installed laser
- (j) any fire appliances
- (k) any permanently installed strobe lighting
- (I) any permanently installed smoke machine

Play Equipment

6. No inflatable play equipment shall be used without prior consent of the Designated Premises Supervisor (DPS) who shall inspect and hold copies of the relevant certification for the applicance.

Sanitary Conveniences

7. A suitable number of toilets shall be provided and all toilets shall be free and kept in good order and repair and be properly and effectively cleaned, lit, ventilated and supplied with hot and cold running water, soap and adequate hand-drying facilities and in the case of female toilets adequate provision shall be made for the disposal of sanitary dressings.

Drinking Water

8. Free drinking water shall be made available, to the satisfaction of the Responsible and Licensing Authorities, Drinking water taps shall be clearly marked as such.

Bottles and Glasses

9. Patrons shall be advised not to remove bottles and glasses from the premise. If bottles and glasses are taken outside they shall be removed from exterior areas when no longer in use or on closure of the beer garden which ever is the sooner.

10. All glasses used on the premise shall be of toughened glass or of the plastic type where possible.



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ANNEXES continued ...

Electrical Safety

11. The complete electrical installations in or affecting the Licensed Area at the Premises shall be inspected and tested by a 'Qualified Electrical Engineer' once every year unless written confirmation is held by the Premise Licence holder stating that an electrical report is required less frequently the period based on risk factors and/or any relevant British Standard. The Periodic Inspection Report, and any subsequent certificates, shall be held at the premise for inspection by the Responsible and Licensing Authorities in the form which complies with current British Standard and associated guidance.

Temporary Electrical Installations

12. Temporary electrical installations shall comply with recommendations of British Standard 7671 (The I.E.E Wiring Regulations) or where applicable British Standard 7909: (Code of Practice for Temporary Distribution Systems for AC Electrical Supplies for Entertainment Lighting, Technical Services and Related Purposes).

13. Temporary electrical installations shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be held for inspection by the Responsible and Licensing Authorities.

Heating and Ventilation

14. The premise shall be adequately ventilated in all areas to which the staff and public have access so as to enable doors and windows to remain closed thereby enabling the premise to reduce the likelihood of a public nuisance to nearby residents caused by the breakout of noise due to entertainment.

Light Pollution

15. Flashing or bright lights on or outside the licensed premise shall not cause a nuisance to nearby properties.

Noise and Vibration

16. Noise and vibration shall not be permitted to emanate from the premises so as to cause a nuisance to the occupiers of nearby properties.

17. 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.

18. Doors and windows shall be kept closed as far as reasonably practicable to reduce the noise impact from the licensed premises at neighbouring properties. Windows and doors shall be closed whilst all regulated entertainment is being carried on.

19. Half an hour before the premise is due to close music shall be played at a significantly lower volume and tempo.

20. Entertainment shall be held within the envelope of the building only and no music or speech shall be relayed externally. No loudspeakers/amplifiers for regulated entertainment shall be provided to external areas, such as the beer gardens or the forecourt of the premises.

21. The noise level from the premises whilst being used for regulated entertainment purposes shall be inaudible at the curtilage of the nearest sensitive property.

Odour/Noxious Smells

22. The premises shall be properly ventilated and noxious smells shall not be permitted to emanate from the premises so as to cause a nuisance to nearby properties.

Beer Garden



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ANNEXES continued ...

23. All bottles and glasses shall be removed from exterior drinking areas by 23:30 and periodically prior to 23:30 hours.

24. Where the premises provide food for consumption outside the main building, i.e. in the beer garden, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc. regularly during the stated opening hours and at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

25. All tables and chairs and other items such as display boards on the private forecourt shall be removed by 23:00 every night unless they are of such size or weight that is not practicable.

Refuse and Refuse Storage

26. Refuse and bottle storage areas/or bins shall be secured so unauthorised access shall not be permitted. Therefore glass bottles held in areas accessible to the public cannot be accessed and used as weapons.

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

None

D I Holland Head of Shared Regulatory Services

Licensing Act 2003 PRM AS0265 Premises Licence Summary

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

Premises Details

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

Oystercatcher

Terra Nova Way, Penarth, Vale of Glamorgan, CF64 1SB.

Telephone 02920 709836

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- 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
E. Performance of live music (Indoors)	Monday to Sunday	11:00am	11:30pm
	Bank Holidays (excluding Bank & Monday, St. Patrick's Day & holiday - to cease at 12 midnig	k Holiday Mond St. George's D ht.	New Year's Day, Spring & August lay's), Good Friday, Easter Sunday ay, any other publicly declared o the beginning of licensing hours
F. Playing of recorded music (Indoors)	Bank Holidays (excluding Bank & Monday, St. Patrick's Day & holiday - to cease at 12 midnig	Holiday Mond St. George's D ht.	11:30pm New Year's Day, Spring & August lay's), Good Friday, Easter Sunday vay, any other publicly declared to the beginning of licensing hours



Licensing Act 2003 Premises Licence Summary PRM AS0265

THE TIMES THE LICENCE AUTHORISES T	HE CARRYING OUT OF LICEN	SABLE ACTIVITIES conti	inued
Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors)	Monday to Sunday	11:00am	11:30pm
	Bank Holidays (excludi & Monday, St. Patrick's holiday - to cease at 12	ng Bank Holiday Monc s Day & St. George's D 2 midnight.	New Year's Day, Spring & August lay's), Good Friday, Easter Sunday Day, any other publicly declared to the beginning of licensing hours
H. Entertainment of a similar description	on to that falling within E, F, Monday to Sunday	or G (Indoors) 11:00am	11:30pm
	Bank Holidays (excludi & Monday, St. Patrick's holiday - to cease at 12	ng Bank Holiday Monc s Day & St. George's D 2 midnight.	New Year's Day, Spring & August lay's), Good Friday, Easter Sunday Day, any other publicly declared the beginning of licensing hours
I. Late night refreshment (Indoors & Ou	itdoors) Monday to Sunday	11:00pm	Midnight
	Bank Holidays, Good F George's Day, precedi declared holiday - one	riday, Éaster Sunday and following day of hour extra (0100hrs).	New Year's Day, Spring & August & Monday, St. Patrick's Day & St. f a Bank Holiday, any other publicly o the beginning of licensing hours
J. Supply of alcohol for consumption O	N and OFF the premises Monday to Sunday	9:00am	Midnight
	Bank Holidays, Good F George's Day, precedi declared holiday - one	riday, Easter Sunday and following day of hour extra (0100hrs).	New Year's Day, Spring & August & Monday, St. Patrick's Day & St. f a Bank Holiday, any other publicly o the beginning of licensing hours
THE OPENING HOURS OF THE PREMISE	3		
	Description	Time From	Time To
	Monday to Sunday	7:30am	12:30am

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring & August Bank Holidays, Good Friday, Easter Sunday & Monday, St. Patrick's Day & St. George's Day, preceding and following day of a Bank Holiday, any other publicly declared holiday - one hour extra (0130hrs).

The end of licensing hours New Year's Eve to the beginning of licensing hours New Year's Day.



Licensing Act 2003 PRM AS0265 Premises Licence Summary

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

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Greene King Retailing Ltd

Abbot House, Bury St Edmunds, Suffolk, IP33 1QT.

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

Greene King Retailing Ltd

3298903

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restrictions

D I Holland Head of Shared Regulatory Services

Issued 14/07/2017 Last application granted 10/12/2020





Vale of Glamorgan Application to vary a premises licence Licensing Act 2003

For help contact Licensing@valeofglamorgan.gov.uk

Telephone: 01446 709105

		* required information
Section 1 of 18		
You can save the form at any	time and resume it later. You do not need to be	e logged in when you resume.
System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on be O Yes •	ehalf of the applicant? No	Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
Applicant Details		
* First name	Hannah	
* Family name	Loynds	
* E-mail		
Main telephone number		Include country code.
 Other telephone number 		
🔲 Indicate here if you wo	uld prefer not to be contacted by telephone	
Are you:		
 Applying as a business Applying as an individution 	or organisation, including as a sole trader Ial	A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.
Applicant Business		
Is your business registered in the UK with Companies House?	Yes O No	Note: completing the Applicant Business section is optional in this form.
Registration number		
Business name		If your business is registered, use its registered name.
VAT number -		Put "none" if you are not registered for VAT.
Legal status	Please select	

Continued from previous page		
Your position in the business	Licensing Manager	
Home country	United Kingdom	The country where the headquarters of your business is located.
Registered Address		Address registered with Companies House.
Building number or name	Westgate Brewery	
Street		
District		
City or town	Bury St Edmunds	
County or administrative area	Suffolk	
Postcode	IP33 1QT	
Country	United Kingdom	
Section 2 of 18		
APPLICATION DETAILS		
vary substantially the premi you should make a new prer I/we, as named in section 1, be	sed to vary the licence so as to extend the p ses to which it relates. If you wish to make the nises licence application under section 17 of eing the premises licence holder, apply to vary mises described in section 2 below.	hat type of change to the premises licence, f the Licensing Act 2003.
* Premises Licence Number	PRM AS0265	
Are you able to provide a post	al address, OS map reference or description of	the premises?
Address OS ma	ap reference O Description	
Postal Address Of Premises		
Building number or name	Terra Nova Way	
Street]
District		
City or town	Penarth	
County or administrative area	Vale of Glamorgan	
Postcode	CF64 1SB	
Country	United Kingdom	
Premises Contact Details		
Telephone number	02920 709836	

Continued from previous page		
Non-domestic rateable	168,000	
value of premises (£)		
Section 3 of 18		
VARIATION		
Do you want the proposed variation to have effect as soon as possible?	• Yes O No	
Do you want the proposed var introduction of the late night l	riation to have effect in relation to the levy?	
⊖ Yes	No	You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend		
Describe Briefly The Nature	Of The Proposed Variation	
could be relevant to the licens	ample the type of premises, its general situation sing objectives. Where your application includes on of these off-supplies, you must include a des	off-supplies of alcohol and you intend to
To vary the licensing plans:		
To include the external areas and lighting.	within the licensed area, installation of an exterr	nal bar, soft landscaping, new covered booths
For full and further details ple	ase view the licensing plan.	
Any part of the variation appliced completed.	ication that changes the plan/layout at the pren	nises to be of no effect until the work has been
Section 4 of 18		
PROVISION OF PLAYS		
See guidance on regulated en	tertainment	
Will the schedule to provide p vary is successful?	lays be subject to change if this application to	
⊖ Yes	No	
Section 5 of 18		
PROVISION OF FILMS		
See guidance on regulated en	tertainment	
Will the schedule to provide fi vary is successful?	Ims be subject to change if this application to	

Continued from previous page		∩ Yes	No
Section 6 of 18		0	<u> </u>
PROVISION OF INDOOR SPORT	NG EVENTS		
See guidance on regulated enter			
this application to vary is success	oor sporting events be subject to change if ful?		
⊖ Yes ●	No		
Section 7 of 18			
PROVISION OF BOXING OR WR	ESTLING ENTERTAINMENTS		
See guidance on regulated enter	tainment		
Will the schedule to provide box to change if this application to va	ing or wrestling entertainments be subject ary is successful?		
⊖ Yes ●	No		
Section 8 of 18			
PROVISION OF LIVE MUSIC			
See guidance on regulated enter	tainment		
Will the schedule to provide live application to vary is successful?	music be subject to change if this		
⊖ Yes	No		
Section 9 of 18			
PROVISION OF RECORDED MUS	SIC		
See guidance on regulated enter	tainment		
Will the schedule to provide reco application to vary is successful?	orded music be subject to change if this		
⊖ Yes ●	No		
Section 10 of 18			
PROVISION OF PERFORMANCES	S OF DANCE		
See guidance on regulated enter	tainment		
Will the schedule to provide perf this application to vary is success	ormances of dance be subject to change if ful?		
⊖ Yes	No		
Section 11 of 18			
PROVISION OF ANYTHING OF A DANCE	SIMILAR DESCRIPTION TO LIVE MUSIC, REC	ORDED MUSIC OR PERFORM	ANCES OF
See guidance on regulated enter	tainment		
	thing similar to live music, recorded music or at to change if this application to vary is		
⊖ Yes ●	No		

Continued from previous	page		
Section 12 of 18			
PROVISION OF LATE N	IGHT REFRESHMENT		
Will the schedule to pro this application to vary	-	ent be subject to change if	
🔿 Yes	No		
Section 13 of 18			
SUPPLY OF ALCOHOL			
Will the schedule to sup vary is successful?	oply alcohol be subject to	o change if this application	to
🔿 Yes	No		
Section 14 of 18			
ADULT ENTERTAINME			
	ertainment or services, a rise to concern in respec		ment or matters ancillary to the use of the
give rise to concern in r	respect of children, regard	dless of whether you inten	ncillary to the use of the premises which may d children to have access to the premises, for groups etc gambling machines etc.
Section 15 of 18 HOURS PREMISES ARE			
Standard Days And Ti			
MONDAY	<u>j</u>		
MONDAT	Start	End	Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days
	Start	End	of the week when you intend the premisesto be used for the activity.
TUESDAY			
	Start	End	
	Start	End	
WEDNESDAY			
WEDNESDAT	Chave	End	
	Start	End	
	Start	End	
THURSDAY			
	Start	End	
	Start	End	

Continued from previous page			
FRIDAY	[]		
Start		End	
Start		End	
SATURDAY			
Start		End	
Start		End	
SUNDAY			
Start		End	
Start		End	
State any seasonal variations.	L]		
For example (but not exclusive	iy) where the	e activity will occur on a	additional days during the summer months.
Non standard timings. Where y	/ou intend to	o use the premises to be	e open to the members and guests at different times from
those listed above, list below.			
For example (but not exclusive	ly), where yo	ou wish the activity to g	o on longer on a particular day e.g. Christmas Eve.
As per premises licence grante	èd		
-		d on the licence which	you believe could be removed as a consequence of the
proposed variation you are see	king.		
As per premises licence grante	èd		
🔀 🛛 I have enclosed the prem	ises licence		
I have enclosed the relevant	ant part of tł	ne premises licence	
Reasons why I have failed to er	nclose the pr	emises licence or releva	ant part of premises licence.
Section 16 of 18			
LICENSING OBJECTIVES			

Continued from previous page
Describe the steps you intend to take to promote the four licensing objectives:
a) General – all four licensing objectives (b,c,d,e) List here steps you will take to promote all four licensing objectives together.
As per premises licence granted
b) The prevention of crime and disorder
As per premises licence granted
c) Public safety
As per premises licence granted
d) The prevention of public nuisance
As per premises licence granted
e) The protection of children from harm
As per premises licence granted
Section 17 of 18
NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided 0 by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the 0 entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or 0 on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling 0 circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/ business rates/index.htm Band A - No RV to £4300 £100.00 Band B - £4301 to £33000 £190.00 Band C - £33001 to £87000 £315.00 Band D - £87001 to £125000 £450.00* Band E - £125001 and over £635.00* *If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee Band D - £87001 to £125000 £900.00 Band E - £125001 and over £1,905.00 If you own a large premise you are subject to additional fees based upon the number in attendance at any one time Capacity 5000-9999 £1,000.00 Capacity 10000 -14999 £2,000.00 Capacity 15000-19999 £4,000.00 Capacity 20000-29999 £8,000.00 Capacity 30000-39999 £16,000.00 Capacity 40000-49999 £24,000.00 Capacity 50000-59999 £32,000.00 Capacity 60000-69999 £40,000.00 Capacity 70000-79999 £48,000.00 Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

635.00

DECLARATION

I/WE UNDERSTAND THAT 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.

 \boxtimes Ticking this box indicates you have read and understood the above declaration

Continued from previous page	
This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"	
* Full name	Hannah Loynds
* Capacity	Licensing Manager
* Date	03 / 02 / 2021 dd mm yyyy
	Add another signatory
Once you're finished you need to do the following: 1. Save this form to your computer by clicking file/save as 2. Go back to <u>https://www.gov.uk/apply-for-a-licence/premises-licence/vale-of-glamorgan/change-1</u> to upload this file and continue with your application. Don't forget to make sure you have all your supporting documentation to hand.	
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.	
OFFICE USE ONLY	
Applicant reference number	
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	
1 <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> <u>16</u> <u>17</u> <u>18</u> Next >	

CADW DE CYMRU'N DDIOGEL • KEEPING SOUTH WALES SAFE

APPENDIX C

Pencadlys Heddlu

Heol y Bont-faen Penybont CF3I 3SU

Bridgend

Police Headquarters

Cowbridge Road

Mewn a URhS Caerdydd a'r Fro

Gorsaf Heddlu Bae Caerdydd, Stryd James, Bae, Caerdydd CF10 5EW Teliffon: 01656 869211 Mewn argyfwng ffioniwch 999 Fel arall, ffioniwch 101 Gwefan: www.heddlu-de-cymru.police.uk

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CF3I 3SU Cardiff & Vale BCU

Cardiff Bay Police Station, James Street, Cardiff Bay **CF10 5EW** Telephone: 01656 869211 In an emergency always dial 999 for non-emergencies dial 101 Website: www.south-wales.police.uk

Licensing Department, Cardiff Bay Police Station, James Street. Cardiff, CF10 5EW.

3rd March 2021

Hannah Loynds, Westgate Brewery, Bury St Edmunds, Suffolk, IP33 1QT.

RE: Application to vary a premise licence "THE OYSTERCATCHER", Terra Nova Way, Penarth, Vale of Glamorgan, CF64 1SB.

This application seeks to licence the outside area as indicated on the plan submitted with the application, on February 3rd 2021, including the citing of a permanent external bar.

Jeremy Vaughan

Prif Gwnstabl Chief Constable

Measures offered by the applicant in support of the application:

General

As per premise licence granted.

Prevention of Crime and Disorder

As per premise licence granted.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.





Public Safety

As per premise licence granted.

The Prevention of Public Nuisance

As per premise licence granted.

The Protection of Children from Harm.

As per premise licence granted.

We therefore ask that the Licensing Committee hear the representation made by the Police when determining the grant of this application.

Whilst the receipt of application is acknowledged, there is insufficient detail as to how the external space would be operated in a way which would promote the licensing objectives. There is no specific provision for how the newly licenced area would be managed on a day to day basis.

The applicant has offered to abide by the conditions currently on the premise licence.

Through the consultation period, attempts were made by email and phone to contact the applicant to engage in dialogue to discuss the application. Unfortunately contact was not received until 16:14hrs on March 2nd, the day before the deadline. As such, no agreement has been reached at this time around appropriate and proportionate conditions.

Not having had the benefit of the full consultation period, South Wales Police are objecting to the application under the licensing objectives of the Prevention of Crime and Disorder, Public Nuisance and the Protection of Children from Harm.

Should the applicants agree to comply with the representations made to meet the Licensing Objectives before a hearing is held, then please accept that the Police will automatically withdraw their request for a hearing with the Licensing Sub-Committee.

POLICE REPRESENTATION

1. A CCTV system shall be installed to an agreed standard as approved by South Wales Police. It will be maintained and operated at all times when the premise is open to the public. The system will cover all external areas of the premises where the public have access (excluding toilets) including all entrances and exits. The images will be kept for a minimum period of 31

Jeremy Vaughan

Prif Gwnstabl Chief Constable

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Not Protectively Marked

days and will carry date and time markings. The images will be produced to a police employee, in a readily playable format, immediately upon request when the premises are open to the public and at all other times as soon as reasonably practicable. There will be sufficient trained staff to facilitate the above. The use of CCTV will be brought to customers' attention through the display of appropriate signage.

- 2. The premises will operate a 'Challenge 25' policy. This policy will be brought to customers' attention by staff and through the display of appropriate signage. The only forms of identification recognised will be photographic identification cards, such as a driving licence, passport, or proof of age scheme card.
- 3. An incident record shall be kept at the premises. Any incident of crime or disorder witnessed by staff or any incident reported by customers is to be noted in the log. The following information shall be recorded in relation to each incident:
 - Date and time of the incident
 - Name of person making the report
 - Names of the parties involved (if known) or description of the parties (in as much detail as possible)
 - Nature of the incident
 - Any action taken thereafter
 - Refusals of sale

Staff shall be trained in relation to their responsibility to complete an incident report. Access to incident reports will be made available to South Wales Police on request.

- 4. No off sales of alcohol from the external bar.
- 5. No alcohol to be stored in the outside bar when not in use.
- 6. When the external bar is open it will not be left unsupervised.
- 7. There will be no screening of live sport in the outside area.
- 8. All licensable activity in the external area will cease at 21:00.

If the applicant does not agree with the afore-mentioned representations the Police objections will be based on the following:-

The prevention of crime and disorder.

Protection of children from harm.

Public Nuisance.

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

() () Swpolice

Heddlu De Cymru

South Wales Police

Jeremy Vaughan Prif Gwnstabl | Chief Constable

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Additional evidence to support the notice of the objection will be presented at any subsequent Licensing Committee hearing. This evidence will be expanded on verbally, written, statistical or CCTV evidence.

If you wish any further information then please contact Police Licensing Officer Scott McCarthy at the Cardiff Bay Police Station 🖀 02920 633421.

Yours faithfully,

M.CONQUER

Chief Inspector

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Jeremy Vaughan

Prif Gwnstabl Chief Constable

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Jeremy Vaughan

Prif Gwnstabl Chief Constable

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Heddlu De Cymru South Wales Police

