

Meeting of:	Licensing Sub-Committee
Date of Meeting:	Monday, 11 September 2023
Relevant Scrutiny Committee:	Homes and Safe Communities
Report Title:	Grant of a Premises Licence
Purpose of Report:	To consider an application under the Licensing Act 2003 for 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	

Executive Summary:

To consider an application under the Licensing Act 2003 ("the Act") for the grant of a Premises Licence at Bier Keller, 3-4 Paget Road, Barry, CF62 5TQ, submitted by Hough & Bollard Ltd on behalf of Bier Keller Pizza Limited, 3-4 Paget Road, Barry, CF62 5TQ.

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 When discharging its functions the licensing authority must promote the following licensing objectives set out in the Licensing Act 2003:

The prevention of crime and disorder Public Safety The prevention of public nuisance The protection of children from harm

On 12th July 2023 the Licensing Authority received an application for the grant of a Premises Licence for Bier Keller, 3-4 Paget Road, Barry, CF62 5TQ. A copy of the relevant parts of the application form is attached at Appendix A to this Report which includes a plan of the proposed premises.

- 1.2 The permitted hours for the sale of alcohol applied for are Monday to Sunday 11:00 to 23:30 on and off sales each day of the week, also recorded music Monday to Sunday 11:00 to midnight and live music Monday to Sunday 11:00 to 23:00. The application requested non-standard timings for live and recorded music for New Year's Eve from start hour until New Year's Day terminal hour.
- **1.3** The application includes an Operating Schedule which sets out the steps the applicant proposes to take to promote the licensing objectives and is set out in Box M of the Application form at Appendix A.

2. Key Issues for Consideration

- **2.1** The application was advertised in accordance with the regulations. The period for making representations ended on 11th August 2023.
- 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** During the consultation period three representations were received from two other persons and Environmental Health. The relevant representations are attached to the Report at Appendix B.
- **2.4** South Wales Police submitted representation of proposed conditions which the applicant has agreed to be attached to the licence if granted, these are attached to the Report at Appendix C.
- **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** 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.

- **2.7** At the time this report was drafted, the representations had not been withdrawn and therefore a full hearing of this application is necessary.
- **2.8** One of the representations makes reference to the Public Spaces Protection Order in force in Barry Island. For information, Barry Island Seafront has been covered by a Public Space Protection Order (PSPO) since September 2017. The Order was renewed by Council on 7 December 2020 and a copy of the Current Order and relevant Map attached to this report at Appendix D.
- **2.9** In terms of the representations received, Members are advised that the adoption of a PSPO does not have the effect of banning the sale or consumption of alcohol in an area which it covers.

2.10 However, the Council must be satisfied with certain conditions prior to adopting a PSPO; in summary, that alcohol related anti-social behaviour and criminal activities have been carried out within the specified areas. It must also be able to demonstrate that this behaviour has a detrimental effect on the quality of life of those in the locality, and it is likely that these activities will be carried out within the designated area.

In addition, the Council must also be satisfied that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

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

3.1 This report relates to a regulatory function of the Council.

4. Climate Change and Nature Implications

4.1 This report relates to a regulatory function of the Council.

5. Resources and Legal Considerations

Financial

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

Employment

5.2 None.

Legal (Including Equalities)

- 5.3 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.

5.4 The Licensing Act 2003 Sub-Committee must 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 or for this type of application. Sections 2, 9 and 10 of the Statutory Guidance issued under Section 182 of the Licensing Act 2003 relate to this application.

6. 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

Application for a premises licence to be granted 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.

We Bier Keller Pizza Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

	description	nap reference or des		Postal addres The Bier Ke 3-4 Paget Re
Post town Barry Postcode	e CF62 5TQ	Postcode	Barry	Post town

Telephone number at premises (if any)	ТВС
Non-domestic rateable value of premises	£Not assessed

Part 2 - Applicant details

Please state whether you are applying for a premises licence as **Please tick as appropriate**

a)	an individual or individuals *		please complete section (A)
b)	a person other than an individua	lt *	
	i as a limited company/limit partnership	ed liability X	please complete section (B)
	ii as a partnership (other thar liability)	limited	please complete section (B)
	iii as an unincorporated assoc	iation or	please complete section (B)
	iv other (for example a statute	ory corporation)	please complete section (B)
c)	a recognised club		please complete section (B)
d)	a charity		please complete section (B)
e)	the proprietor of an educational	establishment	please complete section (B)

f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

х

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr 🗌	Mrs		Miss		Ms		Other Title (for example, Rev)	
Surname					F	irst na	ames	
Date of birt	h		I÷	am 18 y	years old o	or ove	er 🗌 Please tic	ck yes
Nationality								
Current resid address if dif premises add	ifferent f	from						
Post town							Postcode	
Daytime con	atact te	lepho	ne numb	ver				
E-mail addr (optional)	ess							
Where applic checking ser- note 15 for in	vice), th	he 9-di	onstrating igit 'share	; a right e code'	to work provided	via the to the	Home Office on applicant by that	lline right to work t service (please see

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr 🗌 Mrs 🗌 Miss 🗍	Ms D Other Title (for example, Rev)			
Surname	First names			
Date of birth I am 18	years old or over Please tick yes			
Nationality				
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)				
Current residential address if different from premises address				
Post town	Postcode			
Daytime contact telephone number				
E-mail address (optional)				

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Bier Keller Pizza Limited
Address 3-4 Paget Road, Barry, Wales, CF62 5TQ
Registered number (where applicable) 14042512
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)

Part 3 Operating Schedule	
When do you want the premises licence to start?	D MM YYYY 0 0 8 2 0 2 3
If you wish the licence to be valid only for a limited period, D when do you want it to end?	D MM YYYY
Please give a general description of the premises (please read guidance The premises occupy the basement of a 3-storey mid terrace property w arcade on the ground floor	note 1) vith an amusement
If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. /hat licensable activities do you intend to carry on from the premises? please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act	2003)
one time, please state the number expected to attend.	Please tick all that
Inc time, please state the number expected to attend. (hat licensable activities do you intend to carry on from the premises? please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act Provision of regulated entertainment (please read guidance note 2)	
 binc time, please state the number expected to attend. /hat licensable activities do you intend to carry on from the premises? blease see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act Provision of regulated entertainment (please read guidance note 2) a) plays (if ticking yes, fill in box A) 	Please tick all that
 binc time, please state the number expected to attend. that licensable activities do you intend to carry on from the premises? clease see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act Provision of regulated entertainment (please read guidance note 2) a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) 	Please tick all that
 binc time, please state the number expected to attend. what licensable activities do you intend to carry on from the premises? belase see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act Provision of regulated entertainment (please read guidance note 2) a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) 	Please tick all that
 box time, please state the number expected to attend. what licensable activities do you intend to carry on from the premises? belase see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act Provision of regulated entertainment (please read guidance note 2) a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) 	Please tick all that
 bonc time, please state the number expected to attend. what licensable activities do you intend to carry on from the premises? belase see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act Provision of regulated entertainment (please read guidance note 2) a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) e) live music (if ticking yes, fill in box E) 	Please tick all that apply
 bonc time, please state the number expected to attend. what licensable activities do you intend to carry on from the premises? belase see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act Provision of regulated entertainment (please read guidance note 2) a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) e) live music (if ticking yes, fill in box E) 	Please tick all that apply

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

In all cases complete boxes K, L and M

Plays Standard days and timings (please read guidance note 7)		read	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
guidar	ice note 7)		Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					
Wed			State any seasonal variations for performing p guidance note 5)	lays (please re	ad
Thur					
Fri			Non standard timings. Where you intend to us for the performance of plays at different times the column on the left, please list (please read gu	to those listed	in
Sat					
Sun					

A

	ird days a s (please		Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	ice note 7		(Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					
Wed			State any seasonal variations for the exhibition read guidance note 5)	of films (plea	se
Thur					
Fri			Non standard timings. Where you intend to us for the exhibition of films at different times to column on the left, please list (please read guida	those listed in	<u>s</u> the
Sat					
Sun					

B

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thur			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 (please read guidance note 6)
Fri			
Sat			
Sun			

С

Boxing or wrestling entertainments Standard days and			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	s (please ce note 7		<u></u> (p g	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gu	idance note 4)	
Tue					
Wed			State any seasonal variations for boxing or wr entertainment (please read guidance note 5)	estling	
Thur					
Fri			Non standard timings. Where you intend to u for boxing or wrestling entertainment at differ listed in the column on the left, please list (plea	rent times to th	nose
Sat			note 6)		
Sun					

D

	nusic ard days a s (please		Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	x
guidar	ice note 7	/)		Outdoors	
Day	Start	Finish		Both	
Mon	1100	2300	Please give further details here (please read guid	dance note 4)	
Tue	1100	2300			
Wed	1100	2300	State any seasonal variations for the performan (please read guidance note 5)		
Thur	1100	2300	New Years Eve from start hour as above until New terminal hour	w Years's Day	
Fri	1100	2300	Non standard timings. Where you intend to us for the performance of live music at different ti listed in the column on the left, please list (pleas	mes to those	
Sat	1100	2300	note 6)	e read guidant	
Sun	1100	2300			

E

Standa	Recorded music tandard days and mings (please read		Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	x
guidan	ce note 7	')		Outdoors	
Day	Start	Finish		Both	
Mon	11	0000	Please give further details here (please read guid New Years Eve from start hour as above until New terminal hour		,
Tue	1100	0000			
Wed	1100	0000	State any seasonal variations for the playing of (please read guidance note 5)	recorded mu	sic
Thur	1100	0000			
Fri	1100	0000	Non standard timings. Where you intend to us for the playing of recorded music at different ti listed in the column on the left, please list (pleas	imes to those	
Sat	1100	0000	note 6)	0	
Sun	1100	0000			

F

dance	rmances		Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	s (please ice note 7		(Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read gui	dance note 4)	
Tue					1
Wed			State any seasonal variations for the performant (please read guidance note 5)	nce of dance	
Thur					
Fri			Non standard timings. Where you intend to us for the performance of dance at different times the column on the left, please list (please read gu	to those liste	d in 🛛
Sat					
Sun					

G

descri falling (g) Standa timing	ing of a s ption to within (rd days a s (please ce note 7	that (e), (f) or and read	Please give a description of the type of entertainm providing	nent you will b	e
Day	Start	Finish	Will this entertainment take place indoors or	Indoors	
Mon			outdoors or both – please tick (please read guidance note 3)	Outdoors	
				Both	
Tue Wed			Please give further details here (please read gui	dance note 4)	
Thur			State any seasonal variations for entertainmen description to that falling within (e), (f) or (g) guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to us for the entertainment of a similar description t within (e), (f) or (g) at different times to those I column on the left, please list (please read guida	to that falling isted in the	<u>s</u>
Sun					

H

Late night refreshment Standard days and			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
	s (please ace note 7		1	Outdoors [
Day	Start	Finish		Both	
Mon			Please give further details here (please read guid	dance note 4)	•
Tue					
Wed			State any seasonal variations for the provision refreshment (please read guidance note 5)	of late night	
Thur					
Fri			Non standard timings. Where you intend to us for the provision of late night refreshment at di those listed in the column on the left, please list	fferent times.	<u>s</u>
Sat			guidance note 6)		
Sun					

I

Supply of alcohol Standard days and timings (please read		nd	Will the supply of alcohol be for consumption – please tick (please read guidance note 8)On the premises	
	ice note 7		Off the premises	
Day	Start	Finish	Both	x
Mon	1100	2330	State any seasonal variations for the supply of alcohol (ple read guidance note 5) New Years Eve from start hour as above until New Years's D	
Tue	1100	2330	terminal hour	
Wed	1100	2330		
Thur	1100	2330	Non standard timings. Where you intend to use the prem for the supply of alcohol at different times to those listed is column on the left, please list (please read guidance note 6)	
Fri	1100	2330	(Presse road guidance note of	
Sat	1100	2330		
Sun	1100	2330		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
Date of bir	rth Charles and Charles and Charle
Address	
Postcode	
Personal li	icence number (if known)
Issuing lice	ensing authority (if known)

J

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 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5) New Years Eve from opening hour as above until New Years's Day closing hour
Day	Start	Finish	
Mon	1100	0000	
Tue	1100	0000	
Wed	1100	0000	
Thur	1100	0000	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 6)
Fri	1100	0000	
Sat	1100	0000	
Sun	1100	0000	

K

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note 10)

The Applicant is aware of its obligations to uphold the licensing objectives set out in the Licensing Act 2003 and will ensure that all staff engaged in licensable activities at the premises will receive training on induction and information on the following:

•The Challenge 25 scheme in operation at the premises including acceptable forms of ID

•The hours and activities permitted by the premises licence

•How to complete and maintain the refusals register in operation at the premises

•Recognising the signs of drunkenness and drug use

•The operating procedure for refusing service to any person who is drunk, under-age or appears to be under-age, or appears to be making a proxy purchase

•Action to be taken in the event of an emergency, including reporting an incident to the emergency services

Training will be recorded in documentary form and refreshed at least annually; training records shall be retained for at least 12 months and made available for inspection at reasonable times on request by an authorised officer of a responsible authority

The supply of alcohol for consumption off the premises and delivered by a third party is permitted ancillary to the delivery of food purchases.

A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises

b) The prevention of crime and disorder

Customers will not take open drink containers outside the premises except into the designated pavement café area edged blue on the plan accompanying to application.

Customers carrying open or scaled alcohol drinking vessels shall not be admitted into the premises.

No drinks shall be served other than in plastic/polycarbonate/cardboard or toughened glasses. Customers permitted to temporarily leave e.g. to smoke and then re-enter the premises shall not be permitted to take drinks or glass containers with them except into the designated pavement café area edged blue on the plan accompanying to application.

An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of the Vale of Glamorgan Council or the Police, which will record the following:

•All crimes reported to the venue

•All ejections of patrons

•Any complaints received

•Any incidents of disorder

•All seizures of drugs or offensive weapons

•Any faults in the CCTV system or searching equipment or scanning equipment

•Any refusal of the sale of alcohol

•Any visit by a relevant authority or emergency service

CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from the Vale of Glamorgan Council upon request. This must comply with the Data Protection Act including signage.

CCTV cameras shall be installed to cover the entrances, exits as well as internal and external areas where public have access.

CCTV views shall not be obstructed and CCTV camera shall be placed near all entry and exit points to capture clear facial images of all persons entering and leaving the premises.

The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.

CCTV images shall be kept in an easily downloadable format.

The CCTV system shall display on any recordings the correct date and time of the recording.

Μ

A staff member suitably trained in the use of the CCTV system will be present on premises who can provide playback/working downloads of the CCTV recordings with the minimum delay when requested by Police or authorised officers from the Vale of Glamorgan Council

c) Public safety

No person shall be permitted to sit on the floor, on stairs or in gangways and passageways. The locks and flush latches on the exit doors shall be unlocked and kept free from fastenings other than push bars or pads whilst the public are on the premises.

Any socket outlets (or other power supplies used for DJ equipment, band equipment and other portable equipment) that are accessible to performers, staff or the public shall be suitably protected by a residual current device (RCD having a rated residual operating current not exceeding 30 milliamps).

d) The prevention of public nuisance

Notices asking customers to leave quietly shall be conspicuously displayed at all exits. No noise or vibration shall be detectable at any neighbouring noise sensitive premises. The level of music shall be arranged so as not to cause a nuisance to local residents.

e) The protection of children from harm

A "Challenge 25" policy shall be adopted and adhered to, anyone who appears to be under 25 will be asked for photographic ID to prove their age. Acceptable forms of ID will be passports, driving licenses with a photograph, photographic military ID or proof of age cards bearing the 'PASS' mark hologram.

A sign stating "No proof of age-- No sale" shall be displayed at the point of sale. No children under the age of 18 shall be allowed on the premises after 21.00 hours unless accompanied by an adult.

Checklist:

Please tick to indicate agreement

•	I have made or enclosed payment of the fee.	Х
٠	I have enclosed the plan of the premises.	х
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	x
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	x
٠	I understand that I must now advertise my application.	х
٠	I understand that if I do not comply with the above requirements my application will be rejected.	x
•	[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United	
	Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	

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. IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 - Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Declaration	The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work
Signature	
Date	12 July 2023
Capacity	Licensing Consultant

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

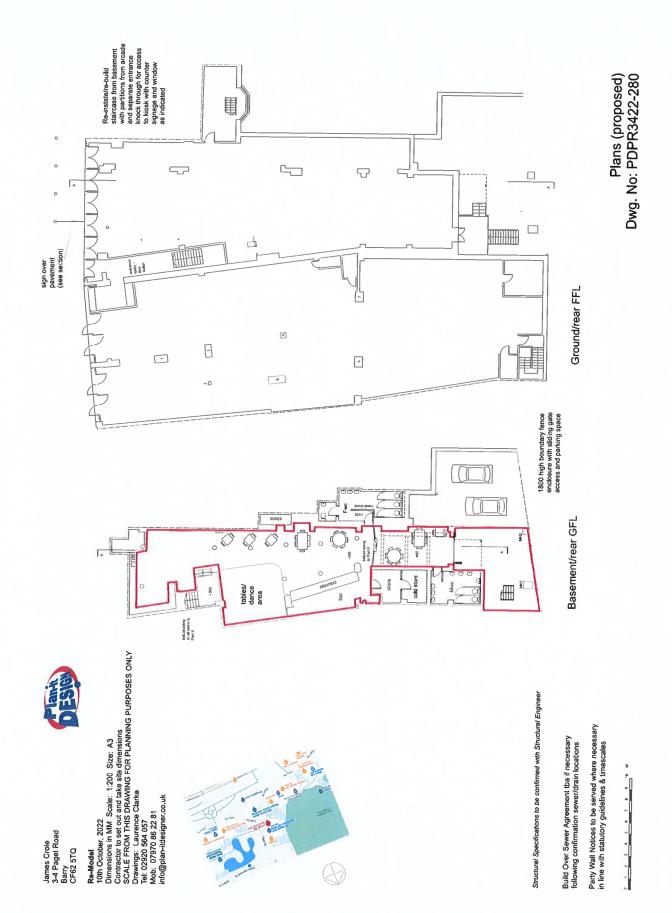
Signature	
Date	
Capacity	

 Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

 Post town
 Postcode

 Telephone number (if any)
 Postcode

 If you would prefer us to correspond with you by e-mail, your e-mail address (optional)



APPLICATION FOR GRANT OF PREMISES LICENCE BIER KELLER, 3-4 PAGET ROAD, BARRY

Representation Number	Name	Representation	Video evidence Yes/No	Comments/Update
1	IL	I have no problem with alcohol being sold to drink on the premises - but takeaway- there's enough problems with unruly behaviour around the Island as it is and I thought the sea front was supposed to be alcohol free? Having last year refused permission for selling alcohol off the premises with another application surely the situation is the same here.	No	
2	HSC	 I'm the owner of Kaspa's Barry Island a few doors up from the Bier Keller. I've seen the notice concerning the sale of alcohol and playing of music. Although we are a strict alcohol free business, if managed properly with perhaps a restriction of say over 23 or over 25 (so to exclude the increased high levels of problematic youth we have experienced on Barry Island this year), i would fully support this new business. I think the history of the venue would add value to Barry Island and support both tourism and an extended evening trade in Barry Island. If this application was successful, it also presents us with the opportunity of potentially extending our trading hours. Currently we close at 1030pm, but we have the facility to operate a takeaway option via our 'Ice cream hatch'. This would offer the potential of new employment opportunities too as we would require additional staff to service the longer hours. 	NO	
3	EH	Following this page of Appendix B	NO	





COFNOD / MEMORANDUM

I / To:Katie BrookAdran / Dept:Licensing DepartmentDyddiad / Date:08 August 2023Eich Cyf / Your Ref:

Oddi Wrth / From:	Sue Brown
Ein cyf / Our ref:	SB1-SR 1048815
Ffôn / Tel:	0300 123 6696
Ebost / Email:	sfbrown@valeofglamorgan.gov.uk

SUBJECT: APPLICATION FOR GRANT OF A PREMISES LICENCE APPLICATION NO: THE BIER KELLER, 3 – 4 PAGET ROAD, BARRY, CF62 5TQ

I refer to your memorandum received by Shared Regulatory Services on 12 July 2023.

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

The premises in question is to be situated to the basement of the Carousel Amusement arcade at 3-4, Paget Road Barry. The building, as can be seen in the picture below, is in a prominent location amongst other arcades and units that provide entertainment, refreshments and Barry Island memorabilia. Facing the west side of the funfair the location is busy in the daytime with visitors to the Island.



However as can be seen from the map (red dot – Bier Keller / Carousel Amusements, blue dots; commercial, green dots; residential) and photos the area is a mix of retail and residential establishments with flats to be found above and behind the arcades and shops along Paget Road.



As can be seen from the picture below the building, at the rear, has residential neighbours to the immediate right.



It is understood that this rear area, where the skip is standing, may be utilised as an external drinking/ smoking area.

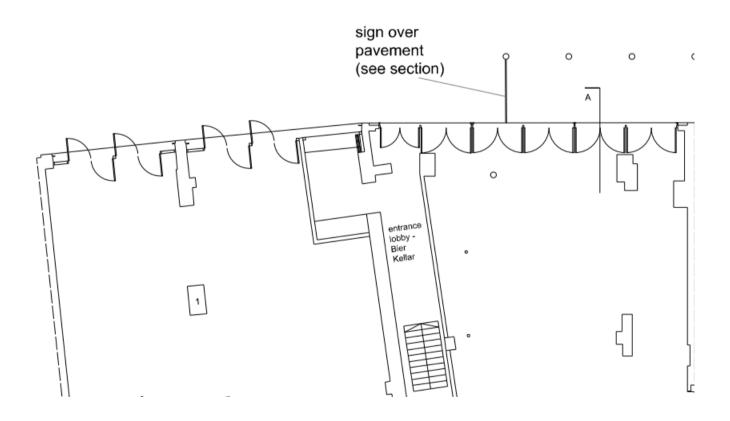
The applicant states on his application form the following, specifying the use of a 'designated pavement café area edged blue on the plan accompanying to application'.

b) The prevention of crime and disorder

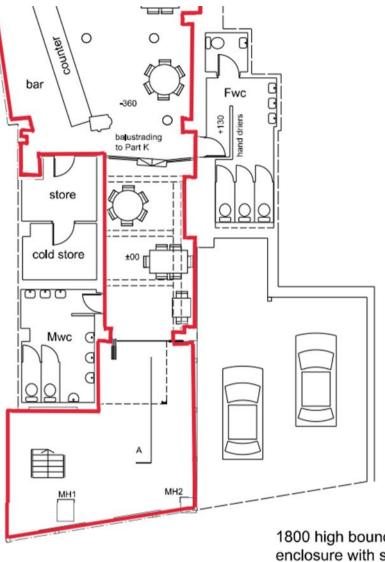
Customers will not take open drink containers outside the premises except into the designated pavement café area edged blue on the plan accompanying to application. Customers carrying open or sealed alcohol drinking vessels shall not be admitted into the premises. No drinks shall be served other than in plastic/polycarbonate/cardboard or toughened glasses.

Customers permitted to temporarily leave e.g. to smoke and then re-enter the premises shall not be permitted to take drinks or glass containers with them except into the designated pavement café area edged blue on the plan accompanying to application.

However as can be seen in the extract of the plan below, there is no blue line on the plan. The plan shows the entrance to the premise from the pavement on Paget Road which is adopted highway/pavement and within a Public Spaces Protection Order (PSPO) area that controls the drinking of alcohol. So the location of this 'pavement café area cannot be established.



The extract from the plan below, showing the rear of the premises again indicates that there is no blue line on the plan and on examination of the plan in its entirety there is no blue edged area. So again the location of this 'pavement café area cannot be established.



gineer

1800 high boundary fence enclosure with sliding gate access and parking space

Noting the close vicinity of homes to the front and especially the rear of the premises I have considerable concern for the disturbance, due to noise from customers, of the residents in the area late into the night and early hours of the morning. Especially noting the rear of the premises to Paget Road are only used for parking purposes and not retailing or alcohol consumption thereby offering a quiet haven for residents so they can sleep, rest and home-work to the rear of the buildings over looking the cricket ground and away from the noise of the funfair.

Careful consideration has been given to this application following visits to the area, including during the evening / night. Although the area is busy and noisy during the day at night the area is very quiet due to their being limited late night premises and economy on the Island. Historically the Island was the main hub of the late night economy in Barry. However, this is no longer the case, and has not been so for many years. There are no longer night clubs on the Island and a number of public houses are now residential accommodation or no longer open late into the night and early hours of the morning.

The location of the premises and nearby residential property has been considered and the following is advised.

The main issues regarding this application are;

- Noise emanating from the patrons on the street and / or rear yard should they gather there to drink and or smoke.
- Noise break-out from the premise itself, noting the application is for live music until 23:00 and recorded music until 24:00, there is mention of the use of a DJ in the application and the provision of a dance area as noted on the plan.
- The effect that the use of the premises could have and on nearby property occupants in terms of public nuisance due to increase in noise levels.

2. Timings

The application is for;

Supply of alcohol ON and OFF the premises	Monday to Sunday 11:00 to 23:30			
Recorded Music	Monday to Sunday 11:00 to midnight/ 24:00			
Live Music	Monday to Sunday 11:00 to 23:00			
Late Night Refreshment is ticked on the application but section I is not completed				

Live and recorded music to have a seasonal variation: New Years Eve from start hour until New Years Day terminal hour

With opening hours of

Monday to Sunday 11:00 to 24:00

3. Observations and Recommendations

- a) It is essential that the Sub-Committee establish where the proposed *designated pavement café area edged blue on the plan accompanying to application* is proposed to be and how it is to be managed.
- b) As noise from customers, external to the premise, and noise breakout can be extremely disruptive and disturbing and due to the proximity of the residential premises it is advised that the use of the rear external area be prohibited.
- c) However, if the Sub-Committee are of a mind to permit the use of the rear external area, which I strongly advise against I recommend that the hours of use should be no greater than 11:00 until 19:00 for any activity and the rear shall not be a point of access and egress by customers.
- d) Again as noise from customers, external to the premise, and noise breakout can be extremely disruptive and disturbing and due to the proximity of the residential premises every effort should be made to ensure that patrons use and leave the establishment and the surrounding area quietly and in an orderly manner.
- e) It is also essential that noise to the rear, from other sources is controlled therefore bottle bins shall not be emptied after 19:00 nor wheelie bins moved about after 19:00 or before 08:00. Noting the World Health Organisation designated evening hours commence at 19:00 and it is stated that greater control should be exercised to safeguard evening and night time hours.

4.Conditions

As recorded music shall take place beyond 23:00, and therefore shall not be 'deregulated' and to uphold the objective of the Prevention of Public Nuisance the following conditions are advised so to protect the residents.

- 1. 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 outside between 19:00 hours and 08:00 hours, nor any movement of waste, equipment or materials between these hours.
- 2. There shall be no disposal of refuse outside between 21:00 hours and 08:00 hours, nor any movement of waste, equipment or materials between 19:00 and 08:00 hours.

If the rear area is to be permitted for use, which I advise against;

- 3. The rear area shall only be used between 11:00 and 19:00 hours by customers and staff for the consumption of alcohol and smoking.
- 4. The rear area shall not be used as a point of access and egress by customers.
- 5. No music shall be played in the rear area.
- 6. External areas, be they to the front or rear of the premises, should be managed to limit noise and disturbance.
- 7. Doors and windows, including rear fire exit doors, shall be kept closed as far as reasonably practicable to reduce the noise impact and breakout from the licensed premises at neighbouring properties.
- 8. Clearly legible notices shall be displayed at all exits from the premise requesting the public and staff to respect the needs of local residents and to use and leave the premise and area quietly.
- 9. Whilst the premise is in use for the purposes of regulated entertainment all external windows and doors shall not be fixed open in the premise or any other adjoining room or area that may be affected by the entertainment. E.g. toilet windows.

5.Conclusion

It is essential that the Sub Committee exercise it powers so to protect the residents from noise and the subsequent nuisance that could result from this premise being issued a Premise Licence. Thereby it is advised that the Premise Licence be conditioned accordingly.

SUE BROWN NEIGHBOURHOOD SERVICES OFFICER

APPENDIX C

Opening Hours (to the public):

Monday to Sunday, 11:00 – 00:00.

Supply of alcohol (on and off premise): Monday to Sunday; 11:00 – 23:30.

Live Music (indoors): Monday to Sunday; 11:00 – 23:00

Recorded Music (indoors): Monday to Sunday; 11:00 – 00:00

These hours are agreed with SWP Licensing.

- A CCTV system will be installed to an agreed standard approved by South Wales Police and will be maintained and always operated when the premises are open to the public. The system will cover all areas of the premises to which the public have access (excluding toilets) including all public entrances, exits and outside spaces. The images will be available for a minimum of 31 days. 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 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, HM Forces Card or proof of age scheme card with PASS logo.
- 3. All customer focussed staff will receive relevant training in relation to responsible retailing of alcohol and the promotion of the licensing objectives. This training will be refreshed annually with a record held on the premise. The training record shall be retained for a period of 12 months and will be made available for inspection upon request by a South Wales Police officer or other authorised person.
- 4. An incident record will be kept at the premises for a minimum of 12 rolling months. 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 will be trained in relation to their responsibility to complete an incident report. Access to incident reports shall be made available to South Wales Police on request.

5. A sign stating "No proof of age—No sale" shall be displayed at the point of sale.

- 6. No children under the age of 18 shall be allowed on the premise after 21:00 hours unless accompanied by an adult.
- 7. Notices asking customers to leave quietly shall be conspicuously displayed at all exits.
- 8. No drinks shall be served other than in plastic/polycarbonate/cardboard or toughened glasses.
- 9. Doors and windows shall be kept closed after 21:00, except for access and egress, to minimise noise impact on neighbouring properties.
- 10. No noise or vibration shall be detectable at any neighbouring noise sensitive premises. The level of music shall be arranged so as not to cause a nuisance to local residents.
- 11. Customers shall not be permitted to use the outside areas after 20:00. All tables and chairs will be removed/made unusable at this time.
- 12. There will be no self-service at the premise, such as the use of beer towers, tapped kegs etc.
- 13. The Designated Premise Supervisor or a personal licence holder will be present and working, whenever an event or pre-booked function is held at the premises and licensable activity takes place.
- 14. The premise will keep a formal record of any function bookings for a period of 12 months. These records will be made available for inspection to Police and authorised local authority officers immediately upon request and will include the name, address and contact number of the person hiring the premise, the number of guests expected and the type of event.
- 15. On Fridays and Saturdays and Sundays before bank holidays, when licensable activities are to be held at the premises, a minimum of 3 Security Industries Agency (SIA) door supervisors will be employed at the premises from 20:00 until thirty minutes after closing or until all patrons have left the area. Additional SIA will be employed at a ratio of 1:50 once patrons numbers reach 150.
- 16. SIA will utilise a counting device at the point of entry/exit to monitor the number of patrons and staff on the premise. A record will be kept of these numbers and made available for inspection by Police or authorised local authority official immediately upon request.
- 17. SIA to assist in the dispersal of persons from the premise at the terminal hours to ensure customers leave the area in an orderly manner.
- 18. SIA staff will utilise a minimum of one (1) body worn video camera whilst on duty.

APPENDIX D

The Vale of Glamorgan Council Civic Offices, Holton Road, Barry CF63 4RU Telephone: (01446) 700111

Cyngor Bro Morgannwg Swyddfeydd Dinesig, Heol Holton, Y Barri CF63 4RU Ffôn: (01446) 700111

www.valeofglamorgan.gov.uk



VALE OF GLAMORGAN COUNCIL

PUBLIC SPACE PROTECTION ORDER 2021

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

The Vale of Glamorgan Council (the Council) in exercise of its powers under Sections 59 and 72 of the Anti-social Behaviour, Crime and Policing Act 2014 (the Act) and under all other enabling powers, herby makes the following Order:

- 1. This Order shall come into effect on 7th **December 2020** and shall have an effect for 3 years thereafter, unless extended by further Orders under the Council's statutory powers.
- 2. This Order relates to the specified areas listed in the below Schedule.
- 3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met. Namely that alcohol related anti-social behaviour and criminal activities have been carried out within the specified areas. This behaviour has a detrimental effect on the quality of life of those in the locality, and it is likely that these activities will be carried out within that area and has such effect.
- 4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

Restrictions

1. The effect of this Order is to impose the following conditions on the Restricted Area:

- 1.1 In the Restricted Area a person commits an offence if without reasonable excuse he or she continues to carry out activities from which he or she is prohibited, namely;
 - 1.1.1 Continuing to drink alcohol when required to stop doing so by an Authorised Officer.
 - 1.1.2 Not surrendering any alcohol in his or her possession when required to do so by an Authorised Officer.

Correspondence is welcomed in Welsh or English/Croesewir gohebiaeth yn Gymraeg neu Saesneg

- 1.1.3 Refusal to hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an Authorised Officer.
- 2. An 'Authorised Officer' can be a Council employee, a person designated by the Council, a Police Officer or Police Community Support Officer who is authorised in writing by the Vale of Glamorgan Council for the purposes of giving directions under this Order.

Fixed Penalty Notice and Offences

- 1. It is an offence for a person without reasonable excuse to engage in the activities restricted on this Order.
- 2. In accordance with Section 63 of the Act, a person found to be in breach of this Order by consuming alcohol when asked not to do so or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine.
- An authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. You will pay a reduced Penalty if paid within 14 days. If you pay the Fixed Penalty Notice within 29 days you will not be prosecuted.

<u>Schedule</u>

PENARTH

Alexandra Park including the Tennis Courts. The Kymin including all grounds and the Pavilion. Penarth Pier, Esplanade and Cliff Top Cosmeston Country Park Cogan Recreation Ground including all play areas and fields and the car park. Windsor Road Dingle also known as the Dingle. Victoria Playing Fields All Saints Church Grounds Victoria Square Windsor Gardens Pembroke Terrace Play Area, Pembroke Terrace Cwrt-Y-Vil/ Old Penarthians Recreation Ground St David's Park/St Cyres Field

DINAS POWYS Parc Bryn-y-Don

RHOOSE Milburn Park Rhoose Community Centre grounds and play area, Stewart Road. Rhoose Railway Station and car park, Torbay Terrace. Rhoose Point

LLANTWIT MAJOR

The Square including the area around the Town Hall and its car park. The area in front of the Old Swan and the White Hart and the area around the New Globe also known as the Tudor Tavern including Burial Lane. Church Street and Wine Street as far as Wesley Street and the Old School. The lanes around Island House as far as Anchor Cottages and to the junction of The Strand.

Lorna Hughes Park including the foot path and adjoining area.

Poundfield Shopping Area including the car parks and The Precinct and pavement between The Precinct area and the public conveniences.

Windmill Playing Fields including the car park and play area.

Llantwit Major Train Station and adjoining car park.

Llantwit Major beach

BARRY

Broad Street including the area, in front of The Savoy Club to the far end of Barry Hotel including pavements to both sides of the road.

Chickenwood Park, also known as Porthkerry Road Open Space, off Porthkerry Road and to the rear of Romilly Infant and Nursery School.

Pencoedtre Park within the boundaries of St Brides Way, Pencoedtre Road, Raldan Close and the allotment gardens.

Romilly Park including all areas within the boundary fence including the tennis court, bowling green, and all shelters and the grassed area surrounded by Romilly Park Road just off Park Road.

Victoria Park including the bandstand, playground, tennis courts and playground. **Parade Gardens**, The Parade.

The Knap including the Promenade, Cold Knap Gardens, Bron Y Mor car park, Knap Car Terrace and the green open space adjoining Marine Drive

Barry Island including Whitmore Bay, the Promenade including the gardens and adjoining Friars Road, car park, Paget Road, Station Approach and the Amusement Park, Maslin Park, Plymouth Road, Archer Road between Phyllis Street and Plymouth Road. Amherst Crescent and adjoining green spaces, Ivor Street and adjoining back lanes, Nell's Point, the green space adjoining St Baruch's Chapel, Jacksons Bay.

Bassett Park

Batts Fields

Gladstone Park, Gladstone Gardens, Memorial Hall grounds and car park. **Hatch Quarry Play Area and Little Hill Park** open space off Brock Street, (known as Brock Street Park).

Gibbonsdown Estate including Pendoylan Close, Michaelston' Close, Coychurch Rise, Laleston Close, Ogmore Place and the adjoining green space, Dale Court, St Catherine Court, Cwrt Pencoedtre, Cbs Llawhaden, Aberaeron Close, Columbus Close, Magellan Close, Ramsey Road, St Brides Way and Skomer Road.

Thompson Street Estate including lower Thompson Street, Belvedere Crescent including the Community Centre grounds, play area and rear lanes. **Porthkerry Country Park**

COWBRIDGE

Twt Park from the entrance off Town Mill Road to the footbridge over the River Thaw and to the access point off the public footpath from the High Street. **Poplars Park**

OGMORE Ogmore beach and surrounds

