

# COFNOD / MEMORANDUM

I / To:	Viv Symonds	Oddi Wrth / From:	Sue Brown
Adran / Dept:	Licensing Department	Ein cyf / Our ref:	SB1- 617200
Dyddiad / Date:	19 June 2018	Ffôn / Tel:	0300 123 6696
Eich Cyf / Your Ref:		Ebost / Email:	<del>XXXXXXXXXXXX@XXXXXX</del>

**SUBJECT: APPLICATION TO VARY A PREMISES LICENCE**  
**HOT 4 YOU TAKE AWAY, 5 BROAD STREET, BARRY CF62 7AA**

I refer to your memorandum received by Environmental Health on 25 May 2017.

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

**1. Environmental Health issues identified as relevant to the Public Nuisance Objective:**

This takeaway is situated on Broad Street in Barry. Above the take-away itself, to either side, the rear on High St and in front, on Broad St Parade there are situated residential properties mainly flats at the first floor level. (see below, red cross marks 5 Broad Street).





Flats are to be found above 4, 5 and 6 as in above Hot 4You, Streets and Arbuthnot Opticians as well as behind and opposite .

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

The main issues regarding this application are;

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

## 2. Timings

Standard Times currently for Late Night Refreshment:

Sunday to Thursday	23:00 – 00:00
Friday and Saturday	23:00 – 02:00

- Standard Times applied for Late Night Refreshment:

Sunday to Thursday	23:00 – 00:00 (as current)
Friday and Saturday	23:00 – 04:00 (an addition of 2 hrs)

- Non Standard Times applied for :

Bank Holidays not clearly specified	23:00 – 04:00
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### 3. Context

3.1 There are a number of late night premises in the street including both take-aways and nightclub premises some of which have no planning restrictions. However there are planning restrictions with regard to opening /trading hours of 5 Broad Street

In 2004 a retrospective planning application, 2004/00316/FUL, resulted in the following hours being specified

Monday to Saturday	10:00 – 24:00
Sunday	10:00 – 23:00

In 2006 an application was made to extend the opening hours, 2006/00495/FUL;

Sunday to Thursday	23:00 – 00:00
Friday and Saturday	23:00 – 02:00

This application was refused on the grounds of the protection of residential amenity.

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

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

3.4 I myself have witnessed a number of takeaways to be operating beyond their permitted licensing hours of 02:00 so to service the patrons leaving the nightclubs at 03:30.

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

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

3.7 The only way that the residents, many of who do live on Broad St, High St and Queen Street can have their amenity protected and public nuisance be prevented is to continue to limit the opening hours of the takeaways, including Hot 4 You, in the area.

3.8 Recent proactive action by South Wales Police with regard to the matter of operating beyond permitted licensed hours has been raised with a number of takeaways and consequently some have

been closing at 02:00. This has led to a drop in the number of people staying on Broad Street, and the adjoining streets, subsequently the level of noise, disruption and I understand crime has dropped.

## **Conclusion**

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

As stated above the 'reason' as in to safeguard the amenity of adjoining occupiers is as valid for this current application in 2018 as it was for their original application in 2005, and therefore this application to extend the hours of opening should be refused.

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

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