

Meeting of:	Licensing Sub-Committee
Date of Meeting:	Tuesday, 19 November 2019
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 to Vary a Premises Licence.
Report Owner:	Licensing Authority
Responsible Officer:	The Licensing Authority
Elected Member and Officer Consultation:	Statutory Consultation
Policy Framework:	This is a matter for decision by the Licensing Act 2003 Sub Committee
Executive Summary:	To consider an application under the Licensing Act 2003 ("the Act") for the Variation of a Premises Licence at Ten 11, 10-11 Broad Street, Barry, CF62 7AA, submitted by Ten 11 Bar Limited.

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** There has been a Premises Licence in place for 10-11 Broad Street, Barry, since February 2006. In December 2016 a variation to the Premises Licence was approved by the Licensing Act 2003 Sub-Committee, the premises having changed from a restaurant to a club. The hours for opening and licensable activity were extended. A copy of the Premises Licence can be found at Appendix A.
- 1.3** On 25th September 2019 the Licensing Authority received an application for the Variation of a Premises Licence for Ten 11. Broad Street, submitted by Ten Eleven Bar Limited. A copy of the relevant parts of the application form is attached at Appendix B to this Report.
- 1.4** The application requests the variation of the premises licence as follows;
 - To extend the present hours of opening, to apply to both the ground and first floor areas.
 - Monday to Wednesday 12:00 - 00:30
 - Thursday to Sunday 12:00 - 04:00
 - Christmas Eve and Christmas Day, 12:00 - 01:00
 - Boxing Day and New Year's Day 12:00 - 03:30

To extend the present hours for the retail sale of alcohol and regulated entertainment on both the ground and first floor areas to terminate 30 minutes before closing.

- 1.5 The application also seeks to amend the conditions of the premises licence in relation to the time of last admittance to the premises, and the use of the front doors.

2. Key Issues for Consideration

- 2.1 The period for making representations ended on 23rd October 2019.
- 2.2 Under The Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005 a Responsible Authority or any other person may make relevant representations at any time during the 28 day consultation period.
- 2.3 During the consultation period representations were submitted on behalf of the Responsible Authority Shared Regulatory Services Environmental Health Team. These are attached 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 35 of the Licensing Act 2003 - Determination of an application to vary a Premises Licence - provides that;

4.4 (1) This section applies where the relevant licensing authority-

(a) receives an application to vary a Premises Licence made in accordance with section 34, and

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

and,

(3) Where relevant representations are made, the authority must-

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary
The Licensing Authority has therefore determined that the application meets the requirements of both the Licensing Act 2003 and its Guidance, and can be processed accordingly.

The Licensing Act 2003 Sub-Committee should have regard to the Vale of Glamorgan Council's Statement of Licensing Policy, and pay particular attention to Sections 3, 7, 8 and 12.

4.5 The Licensing Authority has therefore determined that the application meets the requirements of both the Licensing Act 2003 and its Guidance, and can be processed accordingly.

4.6 The Licensing Act 2003 Sub-Committee should have regard to the Vale of Glamorgan Council's Statement of Licensing Policy, and pay particular attention to Sections 3, 7, 8, 12 and 20. There are no specific policies relating to the area for this type of application.

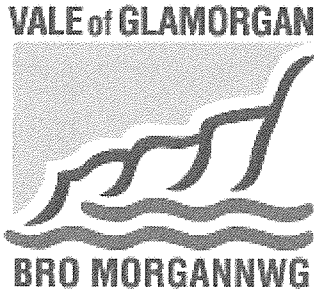
5. Background Papers

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

Licensing Act 2003
Premises Licence

PRM AS0492

LOCAL AUTHORITY



The Vale of Glamorgan Council

Civic Offices
 Holton Road
 Barry
 Vale of Glamorgan
 CF63 4RU

Licensing@valeofglamorgan.gov.uk
 tel: 01446 709105
 web: www.valeofglamorgan.gov.uk

Part 1 - Premises Details

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

Ten11

10 Broad Street, Barry, Vale of Glamorgan, CF62 7AA.

Telephone 01446 [REDACTED]

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
- provlson 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)	Sunday to Wednesday	Noon	Midnight
	Thursday	Noon	1:00am
	Good Friday	Noon	2:00am
	Friday and Saturday	Noon	2:00am
	Christmas Eve	Noon	Midnight
	Christmas Day	Noon	Midnight
	Boxing Day	Noon	2:00am
	New Years Eve	Noon	2:00am
	Bank Holiday Sunday	Noon	2:00am
	F. Playing of recorded music (Indoors)	Sunday to Wednesday	Noon
Thursday		Noon	1:00am
Friday and Saturday		Noon	2:00am
Christmas Eve		Noon	Midnight
Christmas Day		Noon	Midnight
Boxing Day		Noon	2:00am
New Years Eve		Noon	2:00am
Bank Holiday Sunday		Noon	2:00am
Good Friday		Noon	2:00am
G. Performance of dance (Indoors)		Sunday to Wednesday	Noon



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

Activity (and Area if applicable)	Description	Time From	Time To
G. Performance of dance (Indoors) continued ...	Thursday	Noon	1:00am
	Friday and Saturday	Noon	2:00am
	Christmas Eve	Noon	Midnight
	Christmas Day	Noon	Midnight
	Boxing Day	Noon	2:00am
	New Years Eve	Noon	2:00am
	Bank Holiday Sunday	Noon	2:00am
	Good Friday	Noon	2:00am
I. Late night refreshment (Indoors)	Sunday to Wednesday	11:00pm	Midnight
	Thursday	11:00pm	1:00am
	Friday and Saturday	11:00pm	2:00am
	Christmas Eve	11:00pm	Midnight
	Christmas Day	11:00pm	Midnight
	Boxing Day	11:00pm	2:00am
	New Years Eve	11:00pm	2:00am
	Bank Holiday Sunday	11:00pm	2:00am
J. Supply of alcohol for consumption ON the premises only	Sunday to Wednesday	Noon	Midnight
	Thursday	Noon	1:00am
	Friday and Saturday	Noon	2:00am
	Christmas Eve	Noon	Midnight
	Christmas Day	Noon	Midnight
	Boxing Day	Noon	2:00am
	New Years Eve	Noon	2:00am
	Bank Holiday Sunday	Noon	2:00am
Good Friday	Noon	2:00am	

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Wednesday	Noon	12:30am
Thursday	Noon	1:30am
Friday and Saturday	Noon	2:30am
Christmas Eve	Noon	Midnight
Christmas Day	Noon	Midnight
Boxing Day	Noon	2:30am
New Years Eve	Noon	2:30am
Bank Holiday Sunday	Noon	2:30am
Good Friday	Noon	2:30am

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

- J. Supply of alcohol for consumption ON the premises only



Part 2

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

TEN 11 Bar Limited

10/11 Broad Street, Barry, Vale of Glamorgan, CF62 7AA.



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

TEN 11 Bar Limited

11635054

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

Lewis John MCGOWAN



Telephone (

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

Licence No. VOG/PER/10/2010-1031

Issued by The Vale of Glamorgan



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



ANNEXES continued ...

container) it is available to customers in the following measures-

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

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

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

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;

(b) "permitted price" is the price found by applying the formula-

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

Where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

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

Door Supervision

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

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

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

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



ANNEXES continued ...

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section-

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3(2) of that Act), and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- A. There shall be no admittance or re-admittance to the premises after 01.30hrs.
- B. A CCTV system shall be installed to an agreed standard as approved by South Wales Police and maintained and operated at all times when the premises are open to the public. The system will cover all licensed areas of the premises where the public have access, excluding toilets. The images will be kept for a minimum period of 31 days.
- C. 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 sufficiently trained staff to facilitate this.
- D. An incident book shall be kept at the premises and maintained at all times. This will be made available for inspection upon request to an authorised officer of the Licensing Authority, or the Police.
- E. A refusals book shall be kept at the premises and maintained at all times. This will be made available for inspection upon request to an authorised officer of the Licensing Authority, or the Police. This book will be audited by the DPS on a fortnightly basis.
- F. The premises will adopt the 'Challenge 25' proof of age scheme and relevant signage will be displayed informing patrons of the scheme, and stating 'No ID, No Sale'.
- G. Induction training will be provided to all members of service staff to include responsible alcohol sales, acceptable proof of age ID, and use of the refusals and incident logs. Documented records of the training will be kept and refresher training will be delivered on a six monthly basis.

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 capacity as specified by the Fire Authority 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.
Safety measures taken and capacity figures set should take into account those persons that may move in and out of external areas such as external smoking areas, weather permitting, those that use exterior areas must not be allowed to exceed the total figure for the interior of the premise to ensure public safety.

Certificates

2. The certificates listed below shall, where appropriate, be held for inspection by the Licensing and Responsible Authorities:
 - (a) any emergency lighting battery or system
 - (b) any electrical installation
 - (c) any boiler or calorifier
 - (d) any suspended ceiling
 - (e) any fire alarm system
 - (f) any lift or hoist
 - (g) any fire appliances



ANNEXES continued ...

Sanitary Conveniences

3. 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.

Bottles and Glasses

4. Patrons shall be advised not to remove bottles and glasses from the premise especially to the front of the premise that is out onto the pavement and public highway. If bottles and glasses are taken outside to a smoking area, for example, they shall be removed when no longer in use or on closure of the area whichever is the sooner.

Lighting

5. In the absence of adequate daylight, the lighting in any area accessible to the public, staff and any other person such as contractors and delivery people shall be fully in operation during all times when they are present.

Electrical Safety

6. 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 Licensing and Responsible Authorities in the form which complies with current British Standard and associated guidance.

Temporary Electrical Installations

7. 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).
8. 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 Licensing and Responsible Authorities.

Heating and Ventilation

9. 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

10. Flashing or bright lights on or outside the licensed premises shall not cause a nuisance to nearby properties.
11. Areas both indoor and outdoor shall not be over-lit and beams shall not be aimed at sensitive properties. The correct setting and use of sensors and the physical turning off of lights should assist in the prevention of nuisance.

Noise and Vibration

12. Noise and vibration shall not be permitted to emanate from or transmit through the premises so as to cause a public nuisance to the occupiers or nearby and adjoining properties.
13. Clearly legible notices shall be displayed at all exits from the premise requesting public and staff to respect the needs of local residents and to leave the premise and area quietly.
14. 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.
15. 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 regulated entertainment is being carried on.
16. The Designated Premises Supervisor shall request that deliveries, collections and operational servicing are carried out at reasonable hours such as after 08:00 hours and not after 19:00 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
17. The Designated Premises Supervisor shall use a designated taxi firm for customers and staff where possible



ANNEXES continued ...

- and discourage taxi drivers from using their vehicle horn to attract attention when collecting passengers.
18. Coolers for cellars and any other compressors for refrigeration equipment and air conditioning equipment sited externally shall be acoustically attenuated.
 19. If mechanical ventilation is required to ventilate the premises, a detailed technical specification including the noise generated by the plant at a given distance should be submitted to the Pollution Section, Regulatory Services, Vale of Glamorgan Council for approval of the equipment to be used prior to installation.
 20. A 'closed sign' shall be displayed at the entrance at the terminal hour specified on the licence.

Odour/Noxious Smells

21. 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.
22. All vents and extraction systems shall be constructed and operated so as to prevent noxious smells from causing a public nuisance to nearby properties.

Refuse and Refuse Storage

23. Refuse and bottle storage areas and/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**Licensing Act 2003 Sub Committee 12th December 2016**

- Door Safety
Fridays, Saturdays, Sundays prior to Bank holidays, Good Friday, Boxing Day and New Year's Eve;
There shall be one member of door staff on duty from 21.00, rising to a minimum of three at 22.00 until closing.
At least one member of the security staff must wear an operational body cam, the footage to be made available to Police upon request
- A designated smoking area at the front of the premises to be cordoned off and supervised.
- The door marked as D1 on the licensing drawings shall be the main and only access to the premises and the lobby shall operate as an acoustic lobby at all times, in that both doors shall be maintained in the closed position except for access and egress, to prevent noise break out.
- Glass bottles should not be emptied into external skips and bins after 22.00 or before 09.00.
- No amplification of music, voice or instrumentation shall be permitted in external areas, such as the pavement area.
- Open-able windows and doors to the premise should not be used as a form of ventilation whilst unregulated or Regulated Entertainment is taking place, and should be kept closed from 23.00 onwards regardless if entertainment is taking place or not.
- 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 leave the premise and area quietly.

ANNEX 4 - PLANS

Please see attached.



APPENDIX B

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We Ten Eleven Bar Limited

(Insert name(s) of applicant)

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

Premises licence number
VOG/PER/10/2010-1031

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description 10-11 Broad Street			
Post town	Barry	Postcode	CF62 7AA

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£

Part 2 – Applicant details

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

Part 3 - Variation

Please tick as appropriate

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

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

DD	MM	YYYY

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

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

1. To include a new, first floor lounge area, which includes a bar, live music area, indoor games room and new smoking area at the rear of the first floor area. Details of all of these being clearly indicated and identified on the attached plan.
2. To vary the present hours of opening, to apply to both the ground and first floor areas
3. To vary the present hours for the retail sale of alcohol apply to both the ground and first floor areas.
4. To vary the present hours of regulated entertainment to apply to both the ground and first floor areas

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

--

Part 4 Operating Schedule

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

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

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

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

In all cases complete boxes K, L and M

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	12:00	24:00	<u>Please give further details here</u> (please read guidance note 5)		
Tue	12:00	24:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed	12:00	24:00			
Thur	12:00	03:30			
Fri	12:00	03:30	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat	12:00	03:30	Good Friday 12:00 to 03:30		
			Bank Holiday Sundays 12:00 to 03:30		
			Christmas Eve 12:00 to 00:30		
			Christmas Day 12:00 to 00:30		
Sun	12:00	03:30	Boxing Day 12:00 to 03:00		
			New Years Day 12:00 to 03:00		

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) The out door music will only be back ground music played very low.		
Mon	12:00	24:00			
Tue	12:00	24:00	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed	12:00	24:00			
Thur	12:00	03:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	12:00	03:30			
Sat	12:00	03:30	Good Friday	12:00 to 03:30	
			Bank Holiday Sundays	12:00 to 03:30	
			Christmas Eve	12:00 to 00:30	
			Christmas Day	12:00 to 00:30	
Sun	12:00	03:30	Boxing Day	12:00 to 03:00	
			New Years Day	12:00 to 03:00	

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) Dancers around the bar area on events .		
Mon	12:00	24:00			
Tue	12:00	24:00			
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed	12:00	24:00			
Thur	12:00	03.30			
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	12:00	03.30	Good Friday	12:00 to 03:30	
Sat	12:00	03.30	Bank Holiday Sundays	12:00 to 03:30	
Sun	12:00	03:30	Christmas Eve	12:00 to 00:30	
			Christmas Day	12:00 to 00:30	
			Boxing Day	12:00 to 00:00	
			New Years Day	12:00 to 03:00	

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	23:00	24:00	Please give further details here (please read guidance note 5)		
Tue	23:00	24:00			
Wed	23:00	24:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	23:00	03:30			
Fri	23:00	03:30	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) Good Friday 12:00 to 03:30 Bank Holiday Sundays 12:00 to 03:30 Christmas Eve 12:00 to 01:00 Christmas Day 12:00 to 01:00 Boxing Day 12:00 to 03:30 New Years Day 12:00 to 03:30		
Sat	23:00	03:30			
Sun	23:00	03:30			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	12:00	24:00			
Tue	12:00	24:00			
Wed	12:00	24:00			
Thur	12:00	03:30	<u>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7) Good Friday 12:00 to 03:30 Bank Holiday Sundays 12:00 to 03:30 Christmas Eve 12:00 to 01:00 Christmas Day 12:00 to 01:00 Boxing Day 12:00 to 03:30 New Years Day 12:00 to 03:30		
Fri	12:00	03:30			
Sat	12:00	03:30			
Sun	12:00	03:30			

K

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

No children (under 16) are allowed to be on the premises after 20:00 on any day of the week.

If there is to be an adult themed entertainment event then all children will vacate the premises 2 hours prior to the entertainment commencing, or by the 20:00 watershed.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	12:00	00:30	
Tue	12:00	00:30	
Wed	12:00	00:30	
Thur	12:00	04:00	
Fri	12:00	04:00	
Sat	12:00	04:00	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7) Good Friday 12:00 to 04:00 Bank Holiday Sundays 12:00 to 04:00 Christmas Eve 12:00 to 01:00 Christmas Day 12:00 to 01:00 Boxing Day 12:00 to 03:30 New Years Day 12:00 to 03:30
Sun	12:00	04:00	

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

.

- 1.The variation of Annex 2-condition A from 01:30 to 02:30 admittance time.
- 2.The variation of Annex 3 condition (3 in order of listing on the licence).

TO

“The doors marked D1 **and** D2 on the licensing drawings **already with the licensing authority** shall be the main access to the **ground floor area** of the premises, **lobbies on both doors** shall operate as acoustic **lobbies** at all times, in that both doors **on each entrance** shall be maintained in the closed position except for access and egress, to prevent noise break out **Door D2 shall be the main and only access to the first floor area of the premises**”.

Please tick as appropriate

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

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

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

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

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

The conditions presently incorporated into the premises licence will continue to apply as before, with the exception of conditions A in Annex 2 and condition listed at four in Annex 3 as these conditions constitute part of this variation,
The extended hours as sought within this application will also be subject to the conditions contained within the premises licence.
It is believed that the said conditions adequately cover the proposed varied hours.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Checklist:

Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

Signature	
Date	
Capacity	

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)



COFNOD / MEMORANDUM

I / To: Viv Symonds
Adran / Dept: Planning Department
Dyddiad / Date: 23 October 2019
Eich Cyf / Your Ref:

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

SUBJECT PREMISES: TEN 11, 10 - 11, BROAD STREET, BARRY, VALE OF GLAMORGAN, CF62 7BA
APPLICATION TO VARY PREMISE LICENCE

I refer to your memorandum received by Shared Regulatory Services on 27 September 2019.

Environmental Health strongly object to this application.

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

Observations

Ten 11 Nightclub, the large three storey double front black and white building shown below, has to both sides of it flats access being via to the white and red doors shown to the edges of the photograph.



APPENDIX D



As can be seen in the photograph above there are two large poorly constructed bay windows to the first floor of the property. These windows offer poor sound insulation and if live and recorded music is played to this first floor area as proposed at any hour let alone until 03:30 in the morning the resulting noise breakout will undermine the objective of the prevention of public nuisance.

Outdoor Smoking and Drinking Area

Prior to its current use as a night club the premise operated as a Chinese restaurant, with conversion from a restaurant to a nightclub that operates longer hours still the subject of a planning application that has still not been granted, although the application was made in October 2017 (2017/01054/FUL).

Mr McGowan on leasing the property meet myself and the then Police Licensing Officer, PC Barratt, on site.

During that visit advice was given including not to use the first floor rear area as a smoking area due to the issues of public nuisance – noise and overlooking of residential premises as well as policing the area in terms of crime and disorder.

However it appears that Mr McGowan has now ignored this advice and already converted the rear first floor area to an outdoor drinking/bar area, see photographs below, without planning permission, Building Regulations and possibly structural calculations, noting it has been constructed on the flat roof of what was the main restaurant kitchen.





As Mr McGowan was advised then, and it is advised to the Sub-Committee the rear area should not be used as an area for smoking, drinking and licensable activities due to the noise that will result.

As advised previously many residents, if possible sleep to the rear of their homes on Broad Street and High Street to 'escape' the noise on Broad Street and High Street, but use of the rear area will undermine this as well as the licensing objective of the prevention of public nuisance.

Also during the visit in 2016 the matter of the use of the first floor lounge area for Regulated Entertainment was discussed with the applicant, and the poor sound insulation properties of the building and especially the bay windows were discussed. Mr McGowan was advised not to use the first floor area for live and recorded music. Again it appears this advice has been ignored.

Current Situation

More recently proactive visits have been made to Broad Street in relation to noise complaints in relation to specific premises and due to general street noise emanating from club goers as they leave the late night establishments.

It is evident that since South Wales Police have proactively enforced the closure of take away premises as set by their Premises Licences where and when street noise is emanating from and at what levels, as from 02:30/03:00 onwards only a number of Clubs are open and all the take-aways / food establishments are closed.

I have observed large crowds of noisy, poorly managed what appear to be patrons of the night clubs on Broad Street stood outside premises from 02:45 onwards, their current closing time being 02:30.

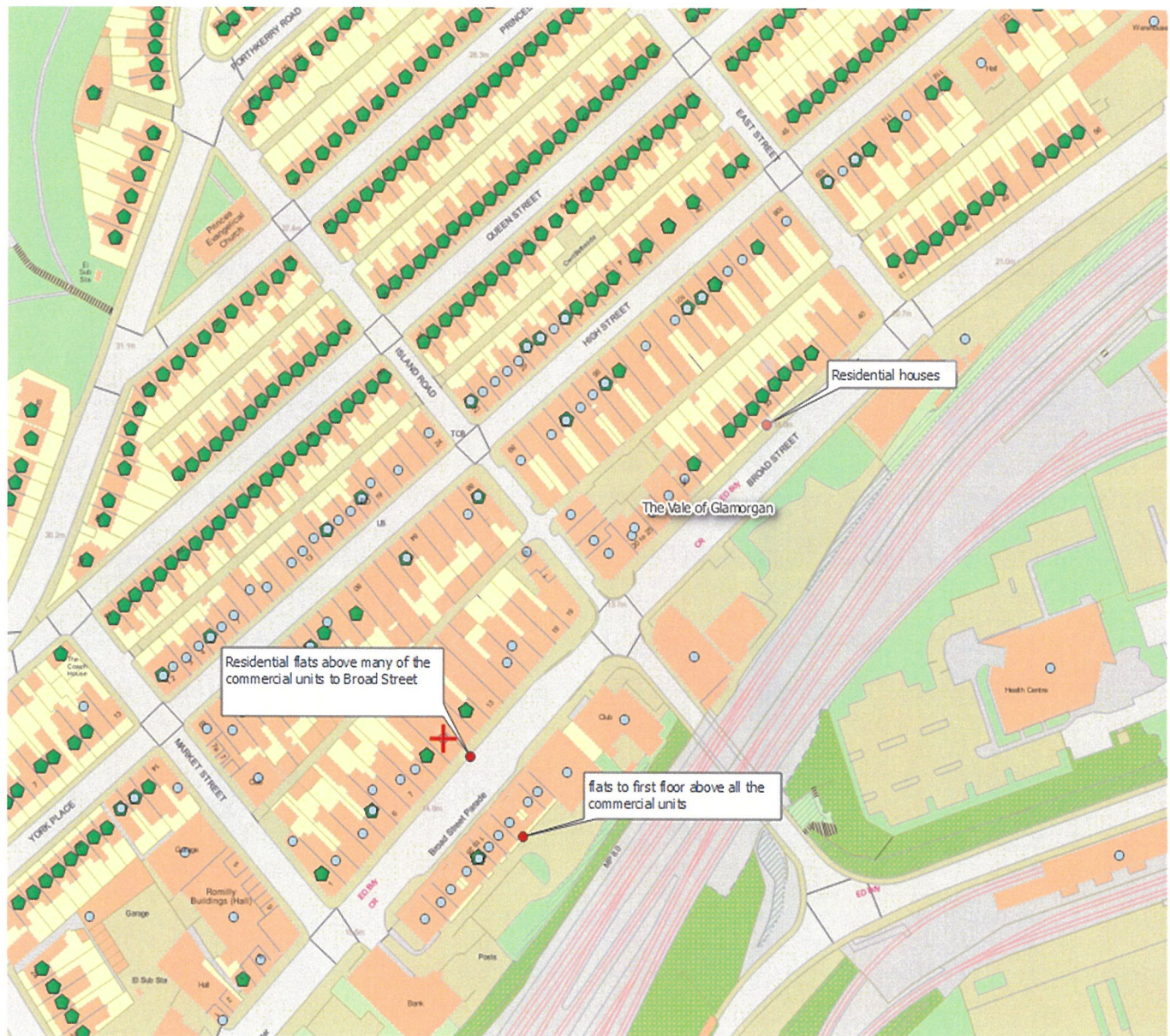
It should be noted as can be seen in the photograph below; there are also a number of flats directly opposite the Club.



Historically and more recently residents in the areas marked with red dots below have complained to this department, councillors and assembly members about various issues including street noise emanating from patrons of late night premises on Broad Street.



As can be seen from the map below, which marks the application premise in question with a red cross, there are a large number of homes within the vicinity of Ten11 these are marked with green symbols, the blue dots indicating commercial premises.



It is well established that late night premises, let alone the extension of trading hours, effects the amenities of a residential area. Noise monitoring in the area has shown that after 24:00 and until 05:00 in the morning the background levels(LA90) fell. By half midnight the levels are 27.0dBA clearly showing the nature of the neighbourhood– very quiet.

As the area is a residential area with long ranks of terraced housing to High St., Queen St. and Princes St. along with flats and homes to Island Road and Broad Street the management of the premise, trading hours and conditions for trading should take this into account.

Should the applicant be permitted to open the hours he has applied for which go above and beyond those currently held on his previous Premises Licence on some evenings he would extend his opening hours by up to three and half hours.

Timings

Hours applied for;

Supply of Alcohol and Regulated Entertainment;

Monday to Wednesday 12:00 – 24:00
As previously

Thursday 12:00 – 03:30
An increase of 2.5 hours on the previous time of 01:00

Friday to Saturday 12:00 – 03:30
An increase of 1.5 hours on the previous time of 02:00

Sunday 11:00 – 03:30
An increase of 3.5 hours on the previous time of 24:00

Opening Hours;

Monday to Wednesday 12:00 – 00:30
As previously

Thursday 12:00 – 04:00
An increase of 2.5 hours on the previous time of 01:30

Friday to Saturday 12:00 – 04:00
An increase of 1.5 hours on the previous time of 02:30

Sunday 11:00 – 04:00
An increase of 3.5 hours on the previous time of 00:30

Non Standard Times; -closing times up to 04:00 on Bank Holiday Sundays and Good Friday

Conclusion

It is advised that as the surrounding area is predominately residential and has low background noise levels at night the management of the premise, trading hours and conditions for trading should take this into account.

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

The already constructed smoking/ beer garden area, to the rear of the first floor of the Club should not be permitted for the drinking of alcohol etc. and not be included as part of the licensed premises.

It is advised that the first floor area not be licensed beyond its current hours due to its poor construction and poor sound insulation again so to prevent public nuisance.

It should also be noted the applicant has applied to amend the application so they will have three doors opening onto the street, with the third 'new' entrance being direct to the first floor. However the wording of the proposed condition in relation to this is unclear and should be clarified by the applicant.

Finally it is advised that SIA staff be employed on site for a minimum of 45 minutes after the Opening Hours to manage the behaviour and dispersion of their customers from the Club and the immediate vicinity.

It is the conclusion of Environmental Health that the Committee should be minded to restrict the hours for licensable activities to those held by the applicant on their current Premise Licence.

SUE BROWN
NEIGHBOURHOOD SERVICES OFFICER

Proposed Conditions;

Noise

1. SIA staff shall be employed on site for a minimum of 45 minutes after the Opening Hours to manage the behaviour and dispersion of their customers from the Club and the immediate vicinity.