

<u>BLAENAU GWENT COUNTY BOROUGH COUNCIL</u>	
Report to	THE CHAIR AND MEMBERS OF THE STATUTORY LICENSING SUB-COMMITTEE
Report Subject	LICENSING ACT 2003 – VARIATION OF PREMISES LICENCE – BERRY’S BAR, MITRE STREET, ABERTILLERY
Report Author	MICHELE BENNETT
Report date	16TH MARCH, 2016
Directorate	PUBLIC PROTECTION ENVIRONMENT & REGENERATION
Portfolio	LICENSING
Date of meeting	30TH MARCH, 2016
Date signed off by Monitoring Officer	N/A
Date signed off by Section 151 Officer	N/A
Date signed off by Chair	N/A
Key words	PREMISES LICENCE VARIATION

Report Information Summary

1.	Purpose of Report*
1.1	To consider an application for variation of a premises licence issued in accordance with the Licensing Act 2003 in respect of Berry's Bar, Mitre Street, Abertillery, Gwent. NP13 1AE
2.	Scope of the Report*
2.1	The Licensing Act 2003 permits Responsible Authorities and 'Other Persons' to make representations in respect of a Premises Licence. The Act further states that, in determining an application, the Licensing Authority must hold a hearing to consider it and any relevant representations unless all parties agree that a meeting is unnecessary. It has not been possible to reach such an agreement in this case.
3.	Recommendation/s for Consideration*
3.1	It is recommended that the Sub-Committee considers the application for variation of the premises licence and in doing so, have regard to the representations made, the evidence heard and take one of the following actions:
3.2	<ol style="list-style-type: none"> 1. To grant the application 2. To reject the whole or part of the application 3. To grant the application with modifications to the conditions.

Why this topic is a priority for the Council?*					
<i>Report author to identify links to the main corporate strategies.</i>					
Single Integrated Plan (SIP)	Corporate Improvement Plan (CIP)	Performance Management Improvement Framework (PMIF)	Operating Model	Transforming Blaenau Gwent (TBG Programme)	Other (please state)
					Statutory provisions and the Council's Licensing Policy

Reporting Pathway*							
<i>Report author to identify proposed reporting pathway. (To include dates where possible)</i>							
Directorate Management Team (DMT)	Corporate Management Team (CMT)	Audit	Democratic Services Committee	Scrutiny	Executive	Council	Other (please state)
							Licensing Sub-Committee

***Denotes mandatory section**

Main Report

1.	Background and Context*
1.1	To consider an application made by David Andrew Boulton for variation of the premises licence in respect of Berry's Bar, Mitre Street, Abertillery, Gwent. NP13 1AE in accordance with the Licensing Act 2003. A location plan of the premises is attached at Appendix 1.
1.2	In accordance with the Licensing Act 2003, as part of the consultation process, the applicant has a duty to send copies of the application to Responsible Authorities. Therefore, consultation has been carried out with Gwent Police, South Wales Fire and Rescue Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement, Planning, Environmental Health, Social Services departments and Aneurin Bevan Health Board. In addition, notice of the application was placed in the Gwent Gazette within 10 days of the application being submitted to the Council and at the premises for 28 days to enable 'other persons', i.e. local residents and businesses, to make representation.
1.3	No representations were received from Gwent Police, South Wales Fire and Rescue Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement, Planning, Social Services departments and Aneurin Bevan Health Board.

1.4	Representations were received from Blaenau Gwent County Borough Council Environmental Health Department.
1.5	Representations were received from 2 'Other Persons', copies of the representations are attached as Appendix 2.
1.6	However, following discussions Blaenau Gwent County Borough Council Environmental Health Department, the applicant agreed to amend the application to include the following conditions:- The Licensee shall ensure that no noise, odour or light shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.
1.7	At times when regulated entertainment is provided and/or provision for entertainment is provided and/or provision for entertainment facilities is made within the licensed premises all external openings to the licensed premises must be kept closed, save for the purposes of entering and exiting the premises.
1.8	No form of loudspeaker or sound amplification equipment shall be sited in or near any foyer, doorway, window or any external opening of the license premises.
1.9	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
1.10	As a result of the amendment, Blaenau Gwent County Borough Council Environmental Health Department decided to withdraw their representations.
1.11	However the 'Other Persons' have not withdrawn their representations and still wish to object to the application.

2.	Options for Consideration (to be completed in every case where relevant to the report topic and information)
2.1	The options available to the sub-committee are: <ol style="list-style-type: none"> 1. To grant the application 2. To reject the whole or part of the application 3. To grant the application with modifications to the conditions
3.	Performance Evidence and Information*
3.1	The sub-committee must take account of the provisions in the Licensing Act 2003 in particular the Licensing Objectives which are: <ul style="list-style-type: none"> • The prevention of crime and disorder • Public safety • The prevention of public nuisance • The protection of children from harm.
3.2	The guidance issued by the Home Office under section 182 of the Act., and the councils policy when considering this application
4.	Impact Assessment Against Proposals / Options*
4.1	There are no adverse equality impact considerations with regard to this report.
5.	Financial Implications*
5.1	There are no financial implications in considering the application.
6.	Risk Implications*
6.1	There are no risk implications
7.	Staffing/Workforce Development Implications*
7.1	There are no personnel or staffing implications in considering the application.
8.	Conclusion*
8.1	The application for variation of the premises licence complies with the requirements of the Licensing Act 2003 and the Sub-Committee must therefore determine the application in accordance with the Act, as appropriate.

***Denotes mandatory section**