

Licensing Sub-Committee

Meeting Venue
**Conference Room - Neuadd
Brycheiniog**

Meeting Date
Monday, 16 April 2018

Meeting Time
10.00 am

For further information please contact
Carol Johnson
01597 826206
carol.johnson@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

28 March 2018

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

AGENDA

The Sub-Committee Members are required to attend a private Briefing meeting at 9.30 a.m.

| | |
|-----------|---|
| 1. | APPLICATION FOR PREMISES LICENCE |
|-----------|---|

1.1. Sub-Committee procedures

To receive introductions by the Chair and an explanation of the Sub-Committee's procedures by the Solicitor.

(Pages 3 - 6)

1.2. Application for a licence

To consider an application for a licence from Cat Soup Kitchen, Brecon.

(Pages 7 - 40)

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1.a

POWYS COUNTY COUNCIL

LICENSING ACT 2003

Licensing Sub-Committees – Procedural Guidelines for the conduct of hearings in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 (“the Regulations”)

Introduction

The four licensing objectives, as set out in the Licensing Act 2003 are:

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm**

Each application that comes before a sub committee of the Authority will be treated on its own merits and this licensing authority will take its decision based upon the merits of the application, taking into account the need to promote the four licensing objectives. This Authority will also have regard to its Statement of Licensing Policy and the guidance issued under section 182 of the Licensing Act 2003.

1. The hearing will normally be held in public. However, the sub committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.
2. The hearing shall take the form of a discussion led by the Licensing sub committee and cross examination will not be permitted except at the discretion of the sub committee if it is required to consider the application or representations. This is in accordance with Regulation 23 of the Regulations. A party wishing to cross examine another party must make an application to the sub committee.
3. The procedure at the hearing shall be determined by the sub committee, normally in accordance with the following guidelines.
4. The sub committee shall appoint a Chairman.
5. The Chairman will welcome everyone to the hearing and will introduce him/herself and the other members of the sub committee.
6. The Legal Adviser to the sub committee will ask everyone present to introduce themselves and will explain the procedure to be followed. He/she will ask the applicant, if unaccompanied, if he/she was aware of the right to be represented. The sub committee will also consider any

- request made by a party under Regulation 8(2) for permission for another person to appear at the hearing as a witness.
7. The Licensing Officer will present a report outlining the nature of the application to be considered, any relevant representations and policy statements. The sub committee may ask any relevant questions of the officer through their Legal Adviser.
 8. The applicant (or his/her representative) will be invited to put his/her case. The applicant may call witnesses to support the case provided that the sub committee have given permission to do so. The sub committee and other parties who have made relevant representations may ask any relevant questions of the applicant or of persons representing them. The sub committee should ask questions through their Legal Adviser.
 9. The Chairman will then invite those parties making representations to address the sub committee. The sub committee may ask relevant questions of those parties making representations through their Legal Adviser. The applicant or his/her representative may also ask relevant questions of those parties making representations.
 10. The Chairman will invite the applicant (or his/her representative), and any parties making representations, to briefly summarise their points if they wish.
 11. The sub committee may ask relevant questions of any party during the hearing through their Legal Adviser, but should refrain from any discussion of the merits of the case.
 12. The sub committee will retire with their Legal Adviser to deliberate in private. If it is necessary to recall any party to provide further information or clarification, all parties at the hearing will be asked to return.
 13. When the sub committee has reached its conclusion, the parties will be recalled and the decision will be announced to the applicant by the Legal Adviser to the sub committee, accompanied by, as appropriate, a description of any conditions which are to be attached to the grant of a licence and the licensing objectives that they relate to. Reasons will be given for the decision. That information will also be given to the applicant in writing as soon as is practicable and he/she will be told of any statutory rights of appeal that are available. In cases where a decision cannot be given at the end of a hearing, the applicant and those parties present will be notified of the decision within five working days.

PLEASE NOTE:

- Any person attending the hearing, who, in the opinion of the Chairman, is behaving in a disruptive manner, may be required to leave.
- Late additions to representations and evidence will only be considered with the agreement of all parties present
- The sub committee may allow a maximum period of time for each party to make all relevant statements in support of their written representations. The sub committee would request that all parties avoid repetition and keep the discussion moving in the interests of efficiency.
- Decisions will generally be taken regardless of whether the applicant or those who have made written representations are present. All notices and written representations received from absent parties will be considered. However if a party is unable to attend a hearing due to unforeseen circumstances and would wish to be present, that party should contact the relevant Licensing Officer or Committee Clerk by telephone in order to explain the circumstances. In such a case, the sub committee may be prepared to adjourn the hearing.

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1.b

CYNGOR SIR POWYS COUNTY COUNCIL

Licensing Sub-Committee

16th April 2018

REPORT BY: Licensing Officer

SUBJECT: Application for a Premises Licence at Cat Soup Kitchen, Kensington, Brecon, Powys, LD3 9AP.

REPORT FOR: DECISION

1. **APPLICATION**

- 1.1 On the 14th February 2018, an application for a Premises Licence was received from Charlotte Searl & David Morgan on behalf of The Cat Soup Kitchen Limited Brecon.
- 1.2 A location map of the premises is set out at **Annex A**, and a copy of the application and a plan of the premises are reproduced at **Annex B**.
- 1.3 The Proposed Premises is an old toilet block by the Side of the River Usk and set in a residential area just out from the town centre.
- 1.4 The applicant & The Licensing Authority satisfied procedural obligations by consulting the Responsible Authorities and advertising the application.
- 1.5 The Applicant has applied for a Premises Licence authorising The Sale / Supply of Alcohol 11:00 to 22:00 Monday to Sunday and regulated entertainment in the form of Live Music, Recorded Music, Performance of Dance and anything of a similar description to Live Music, Recorded Music or Performances of Dance 11:00 to 21:30 Monday to Sunday.

However Live Music and Recorded Music would not be Licensable between these hours for Alcohol Licensed Premises following the deregulation of Live and Recorded Music.

2. REPRESENTATIONS

2.1 Responsible Authorities

No representations were made by any of the Responsible Authorities.

2.2 Other Persons

Objections

Representations were received from nine other persons by email in the form of letters and a petition which are attached at **Annex C**.

3. OPTIONS

3.1 In determining the application for the Premises Licence, the Sub-Committee must take such steps as are considered necessary to promote the licensing objectives;

- i) The Prevention of Crime and Disorder
- ii) Public Safety
- iii) The Prevention of Public Nuisance
- iv) The Protection of Children from Harm

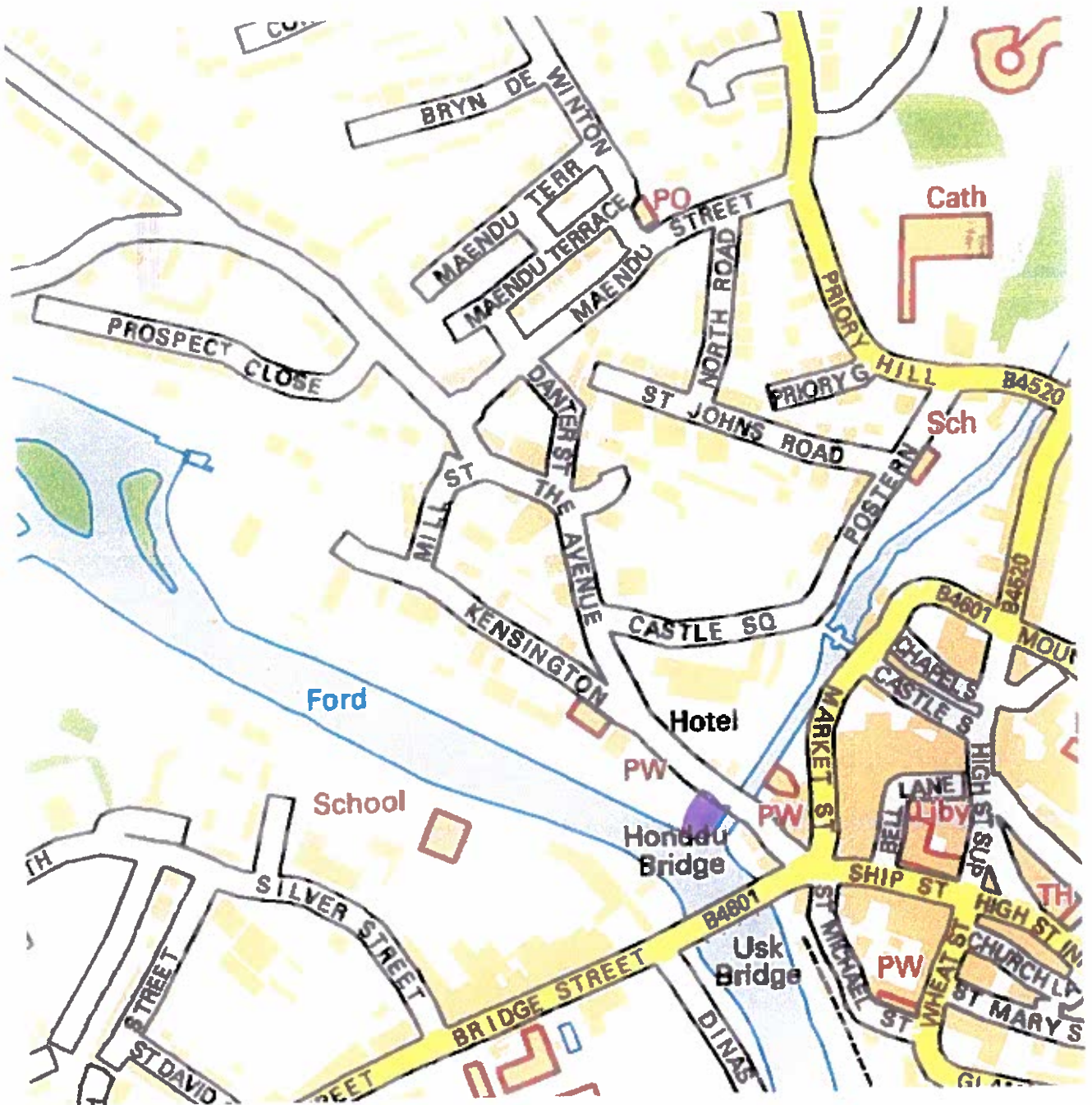
The options are to;

- a) grant the application as submitted by the applicant without modification, with the exception of the inclusion of mandatory conditions made under Section 19, Licensing Act 2003 (Supply of Alcohol); or
- b) grant a licence with modified conditions; or
- c) reject the whole or part of the application.

4. DETERMINATION

4.1 The Licensing Sub-Committee is requested to determine the application.

ANNEX A



AREA TO BE LICENCED

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ANNEX B



Powys
Application for a premises licence
Licensing Act 2003

For help contact
public.protection@powys.gov.uk
Telephone: 0845 602 7037

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ Applying as a business or organisation, including as a sole trader
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? ☐ Yes ☒ No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ☐ Yes ☒ No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Joint Director in Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

/ /
dd mm yyyy

* Nationality

Welsh UK

Documents that demonstrate entitlement to work in the UK

Non Individual Applicant's Name

Name

David Morgan

Details

Registered number (where applicable)

N/A

Description of applicant (for example partnership, company, unincorporated association etc)

Joint Director in Limited Company

Continued from previous page...

Address

| | |
|-------------------------------|----------------------|
| Building number or name | <input type="text"/> |
| Street | <input type="text"/> |
| District | <input type="text"/> |
| City or town | <input type="text"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text"/> |
| Country | <input type="text"/> |

Contact Details

| | |
|------------------------|--|
| E-mail | <input type="text"/> |
| Telephone number | <input type="text"/> |
| Other telephone number | <input type="text"/> |
| Date of birth | <input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy |

Nationality

| |
|--|
| <input type="text"/> |
| <input type="button" value="Remove this applicant"/> |

Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

| | |
|---|---|
| When do you want the premises licence to start? | <input type="text"/> 15 / <input type="text"/> 03 / <input type="text"/> 2018 dd mm yyyy |
|---|---|

| | |
|---|--|
| If you wish the licence to be valid only for a limited period, when do you want it to end | <input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy |
|---|--|

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Small (<5 metre's squared) cafe, newly renovated from a disused public convenience, 4 cubicle, toilet block. Situated where the Honddu river meets the Usk in Brecon. As we are a tiny venue - and only have 4 inside seats! - we have had the opportunity to rent part of the Promenade for outside seating, from Powys County Council. The seating area is an L-shaped section, following the wall of the rivers, starting 5 metres from the premises itself. This area will be safely cordoned off and is offset from the main Promenade.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes

☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

WEDNESDAY

Start End
 Start End

THURSDAY

Start End
 Start End

FRIDAY

Start End
 Start End

SATURDAY

Start End
 Start End

SUNDAY

Start End
 Start End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☐ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music will potentially be amplified and non-amplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We intend to provide music for Brecon Jazz Festival. As we are only a seasonal venue - with very few seats inside - we intend to close when the weather changes for the Autumn season and stay closed over Winter until Spring season starts. Therefore there will be no music outside of the Spring and Summer seasons.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Continued from previous page...

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 21:30

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 11:00

End 21:30

Start

End

WEDNESDAY

Start 11:00

End 21:30

Start

End

THURSDAY

Start 11:00

End 21:30

Start

End

FRIDAY

Start 11:00

End 21:30

Start

End

SATURDAY

Start 11:00

End 21:30

Start

End

SUNDAY

Start 11:00

End 21:30

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

Music will potentially be amplified and non-amplified.

Continued from previous page...

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We intend to provide music for Brecon Jazz Festival. As we are only a seasonal venue - with very few seats inside - we intend to close when the weather changes for the Autumn season and stay closed over Winter until Spring season starts. Therefore there will be no music outside of the Spring and Summer seasons.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of dance take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Unamplified small community dance groups.

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We intend to provide performances for Brecon Jazz Festival. As we are only a seasonal venue - with very few seats inside - we intend to close when the weather changes for the Autumn season and stay closed over Winter until Spring season starts. Therefore there will be no music outside of the Spring and Summer seasons.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that will be provided

For example, community choir performances, etc.

Will this entertainment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Potentially music will be amplified and unamplified. Mainly community based performances.

State any seasonal variations for entertainment

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We intend to provide music/performance for Brecon Jazz Festival. As we are only a seasonal venue - with very few seats inside - we intend to close when the weather changes for the Autumn season and stay closed over Winter until Spring

Continued from previous page...

season starts. Therefore there will be no music outside of the Spring and Summer seasons.

Non-standard timings. Where the premises will be used for entertainment at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Give timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We will be open for Brecon Jazz Festival and bank holidays. However, due to our size and limited indoor seating, we will have to close during Autumn and Winter seasons, re-opening for Spring and Summer seasons.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth

/ /
dd mm /yyy

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

Powys County Council

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☒ Electronically, by the proposed designated premises supervisor
- ☐ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 07:30

End 22:30

Start

End

Give timings in 24 hour clock (e.g., 16.00) and only give details for the days of the week when you intend the premises to be used for the activity

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

We will be closed during the Winter and Autumn seasons.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

We will install outdoor security lights; CCTV will be used for both the property and outdoor seating area. We will cordon off the seating area from the main Promenade by laying edged paths and level area and barriers to clearly show where our seating area and path ways are. We will always fully brief and train our staff. We will employ extra staff/security staff when appropriate.

b) The prevention of crime and disorder

As above. Also, we intend to use Security trained staff for special events like Brecon Jazz Festival, Bank Holidays and special events. We have purposely kept our closing times early and will be fully closed before the local public houses. We are concentrating on quality local food and drinks, and family orientated events and menu's. All of our street furniture (including bins, chairs, tables, barriers etc.) will be packed away daily, leaving nothing to encourage the public after we are closed.

c) Public safety

Again, proper and level footpaths will be laid. Clear barriers de-markating our seated area and paths will be put out. All staff will be fully briefed, and a personal alcohol license holder will always be on the premises.

d) The prevention of public nuisance

CCTV cameras will be installed for the outside seating area and the premises. Security lighting will be in place to deter nuisance when we are closed. All street furniture, detailed above, will be taken in daily, leaving nothing to encourage after hours nuisance. Security staff will be employed for events such as Brecon Jazz Festival, Bank holiday events, music events, Friday/Saturday nights where appropriate. Again, we are a food venue and any music or alcohol will support the main focus of local food. We are family orientated and any events will be have a family focus at the center.

e) The protection of children from harm

No events that would put children in any harm will be held. All staff will be fully briefed and care taken at all times to not serve anyone under the legally permitted age. Again, we are a family orientated restaurant and any events will always have family atmosphere as the most important aim.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page..

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, less than 6 months old, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific regulated entertainments please note that:

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000-14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

| | |
|-------------------------------|---|
| Building number or name | <input type="text"/> |
| Street | <input type="text"/> |
| District | <input type="text"/> |
| City or town | <input type="text"/> |
| County or administrative area | <input type="text"/> |
| Postcode | <input type="text"/> |
| Country | <input type="text" value="United Kingdom"/> |

DECLARATION

- ☒ I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

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

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

| | |
|-------------------|----------------------|
| * Full name | <input type="text"/> |
| * Capacity | <input type="text"/> |
| Date (dd/mm/yyyy) | <input type="text"/> |

| | |
|--|----------------------|
| * Full name | <input type="text"/> |
| * Capacity | <input type="text"/> |
| Date (dd/mm/yyyy) | <input type="text"/> |
| <input type="button" value="Remove this signatory"/> | |

Once you're finished you need to do the following:

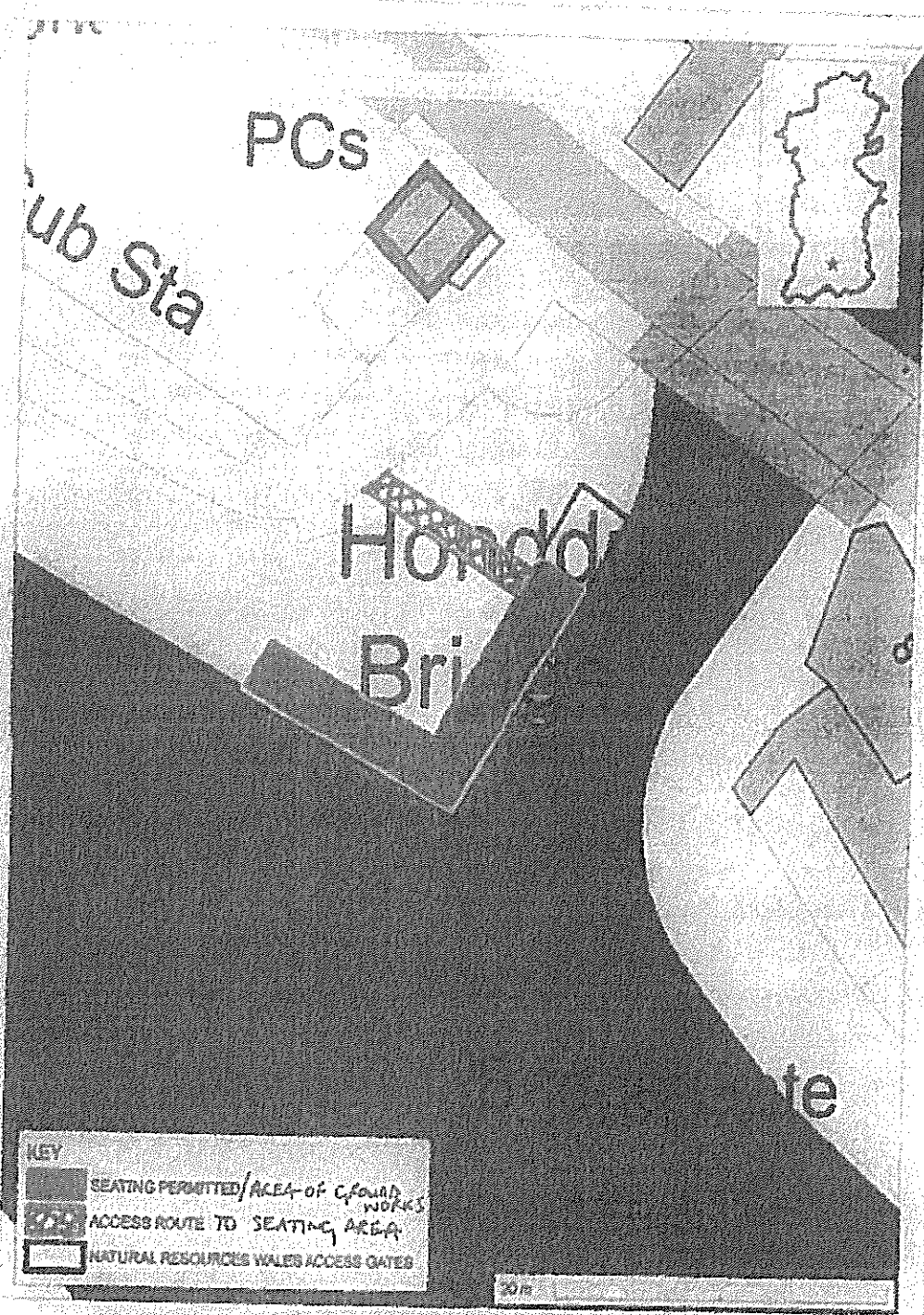
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/powys/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

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

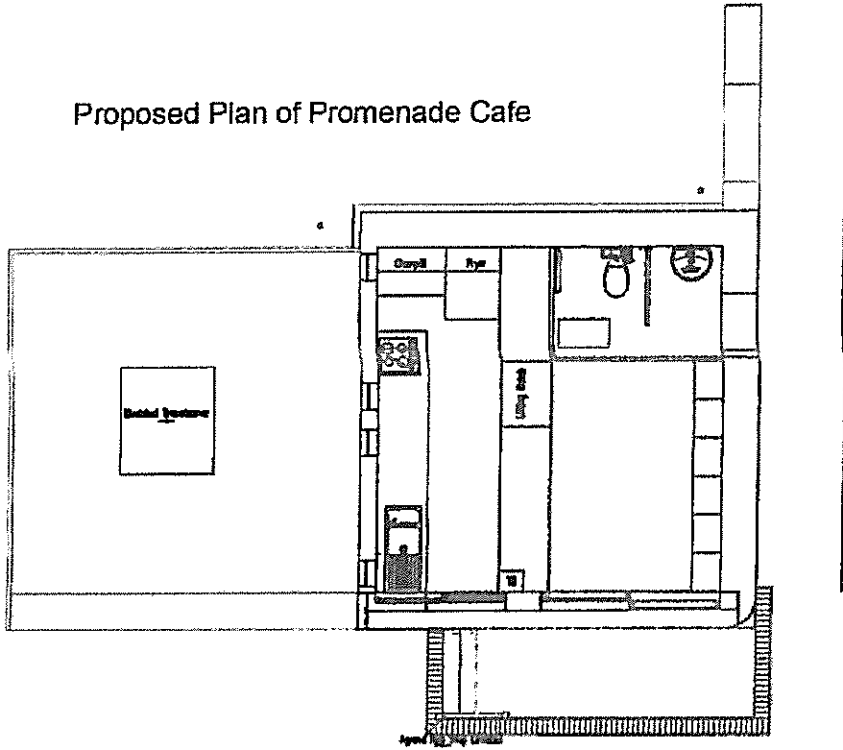
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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



Cyngor Sir **Powys** County Council

For Information Purposes 304275/228641
 Proposed Licence Area -
 Kensington Public Conveniences

Proposed Plan of Promenade Cafe



ANNEX C

Martin Phillips (CSP - Commercial and Food)

From: Public Protection (CSP - Generic)
Sent: 14 March 2018 09:00
To: Environmental Health (CSP - Generic); Licensing brecon and radnor (CSP - Generic)
Subject: FW: Objection to Application for New Premises Licence:Cat Soup Kitchen

FYI

From: Jon Parsons
Sent: 13 March 2018 18:28
To: Public Protection (CSP - Generic)
Subject: Objection to Application for New Premises Licence:Cat Soup Kitchen

Dear Sir/ madam

re Application for New Premises Licence:

**THE SALE OF ALCOHOL 11:00 TO 22:00 MONDAY TO SUNDAY CAT SOUP
KITCHEN,KENSINGTON BRECON**

We have no objection to a cafe at these premises serving tea, soft drinks ice cream etc to daytime visitors from this location. We do have a concern that serving alcohol until late summer evenings at this location on unbounded land will enable people to walk a long way with alcoholic drinks potentially encouraging groups of drinkers and antisocial behaviour. In the early evening elderly dog walkers and families young children will likely put off enjoying a walk along the promenade as its character will have changed. Older children cycling and playing along the promenade will be mixing with drinkers. The character of the area as a park will be changed to the detriment of residents in a way that they could not have foreseen. While the sale of ice cream etc would add value to the location, the sale of alcohol effectively turning public open space into a pub is not appropriate use of the land,

yours sincerely
Jon Parsons

Martin Phillips (CSP - Commercial and Food)

From: Joan Manley
Sent: 14 March 2018 11:43
To: Licensing brecon and radnor (CSP - Generic)
Subject: Representations against Application for New Premises Licence at Cat Soup Kitchen, Kensington, Brecon, Powys. LD3 9AP
Attachments: Cat Soup Kitchen.odt

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Martin Phillips

Dear Sir/Madam,

Please find attached :

1 A letter opposing the APPLICATION FOR NEW PREMISES LICENCE AT CAT SOUP KITCHEN, KENSINGTON, BRECON, POWYS.LD3 9AP

2 The names, addresses and signatures of those people who oppose it.

Please may I have an acknowledgement that you have received this email. If you need a hard copy of this information let me know.

Thank you for your time.

Yours faithfully,

Joan Manley (Ms)
Flat 1, 5 Watergate,
Brecon, Powys.
LD3 9AN
TEL:

RE: Application for New Premises Licence at Cat Soup Kitchen, Kensington, Brecon ,Powys.
LD3 9AP

Dear Sir/ Madam,

The attached signatories are putting forward our objections to the proposed alcohol licensing of the aforementioned premises.

Our homes are situated between five and 300 yards from the proposed licensed premises. We walk past the premises at least half a dozen times a day and regularly use the Promenade.

Our representatives would like to meet with the Licensing body of officers to put our views in person.

1. Prevention of Crime and Disorder

When the premises was a public convenience whether it was open or locked, people would scream, shout and carouse in and around the toilet sometimes until 5am in the morning. It was broken into and damaged many times. We are concerned that it will become a focal point for anti social behaviour and night time noise again.

2. Prevention of Public Nuisance

We are concerned about both the opening hours of selling alcohol between 1100am to 2200pm Monday to Saturday and the application of:

“...performance of dance or anything of similar description 1100am to 2130pm Monday to Sunday (indoors & outdoors)”

We live yards from this outlet and the incessant playing of music for ten and a half hours a day, seven days a week in the open air will cause considerable distress.

The Promenade is a right of way and is public land. It is utilised as an oasis of peace and calm by residents and visitors alike. A restaurant crossing the right of way to serve customers on the large area at the exact spot of the confluence would destroy the natural beauty and peaceful ambience that we enjoy at any time during the daylight hours and through the night.

We are concerned about the opening hours of this restaurant. It could mean increased footfall, vehicular traffic and noise into the night. This is a residential neighbourhood and will be disturbed by the noise and litter which accompanies human interaction. On any day, plastic bags, cans, plastic bottles and other debris are strewn through the grass and pathway of the Promenade. Human voices and interaction travels across water and the noise is heightened in the quiet of the night.

We are not an unreasonable people. When we moved to Kensington\Watergate we were fully aware of the licensed premises around us and knew at times there would be street noise. From 6.30pm, Watergate, The Avenue and Kensington are as quiet as Cradoc Road, where the applicants of this licence live. It does not seem reasonable to us that they maintain the peace of their home, while creating a business which will cease to make our homes peaceful.

The Work Man Club, a licensed premises is at the corner of Watergate. The shadow of The Castle Hotel covers all our homes and is also a licensed premises and The Boar's Head, another licensed premises is yards from our homes. During Jazz weekend, crowds of people fill the roads and listen

to music at these aforementioned venues. However, the music stops exactly at midnight and is for three nights only. Whatismore, we all moved to this area aware of the licensed premises close to us. We do not think it is fair that an outside music venue is foisted upon our doorsteps.

This proposed application will be playing music OUTSIDE every day of the week. This incessant noise pollution is completely unreasonable. Many residents are elderly, some have registered mental and physical disabilities and fear the constant noise will injurious to the community's health and well being.

The proposed venue is small and a single toilet will be opened there. It is too small to host musicians inside, so the music, live or prerecorded will be outside. At the other venues, when live or prerecorded music is played it is generally inside these venues.

If chairs and tables are to be placed on public land, they will have to be put out and put away each day, more noise in a previously quiet and peaceful area.

In conclusion, our representatives would like to meet with the Licensing Officers at the proposed site of Cat Soup Cafe, so we can show them this is a quiet and peaceful residential area and how close this proposed venue is to our homes.

During the Planning Application process a NOISE IMPACT ASSESSMENT was not completed. We would like Powys County Council to implement one such assessment and share the findings with us.

To date, we have not seen a Application for the Sale of Alcohol Licence in the public notice section of the local newspaper, although the consultation period ends on 14 March. The first we knew of this proposed licence was when we read it as we walked past the former public convenience on to the Promenade.

Thank you for your time. We would be grateful if we could have an acknowledgement of this letter and the time and date of the next Alcohol Licence Meeting.

Yours sincerely,

Please see attached names and addresses of the people opposed to this licence.

The signatories below oppose the Application for New Premises Licence at Cat Soup Kitchen,
Kensington, Brecon, Powys. LD3 9AP

NAME & ADDRESS (Print)

SIGNATURE

MR JS JONES
4 KENSINGTON TERRACE
BRECON
LD3 9AP

MRS BA JONES
4 KENSINGTON TERRACE
BRECON
LD3 9AP

MR R. J. MCCREA
8 RHYDBERNARD TERRACE
KENSINGTON
LD 9 AS

←

MR. M HUTSON
2 KENSINGTON TCE,
BRECON
LD3 9AP.

←

MR DAVID JOHN
3 KENSINGTON TERRACE
BRECON
LD3 9AP

The signatories below oppose the Application for New Premises Licence at Cat Soup Kitchen,
Kensington, Brecon, Powys. LD3 9AP

NAME & ADDRESS (Print)

SIGNATURE

AERES WILLIAMS - PRICE

FLAT 1,

7A WATERGATE

BRECON

LD3 9AN

Joan Manley
Flat 1, 5 Watergate
Brecon, Powys
LD3 9AN

Jean S. MacLeod
3 Kensington Place
Brecon, Powys
LD3 9AR