

Licensing Sub-Committee

Meeting Venue
By Teams or Zoom

Meeting Date
Wednesday, 7 December 2022

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

30 November 2022

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.
Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod
gwaith cyn y cyfarfod.
You are welcome to speak Welsh or English in the meeting.
Please inform us of which language you wish to use by noon, two working days
before the meeting.

AGENDA

**The Sub-Committee Members are required to attend a private Briefing meeting
at 9.45a.m.**

1.	APPLICATION TO VARY A PREMISES LICENCE
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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 to vary a licence

To consider an application to vary the licence in respect of The Lounge
Café Bar, 21A High Street, Brecon.
(Pages 7 - 60)

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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

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- **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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CYNGOR SIR POWYS COUNTY COUNCIL

Licensing Sub-Committee

07/12/2022

REPORT BY: Licensing Officer

SUBJECT: Application to vary a Premises Licence
The Lounge Café Bar, 21A High Street, Brecon LD3 7LA

REPORT FOR: **DECISION**

1. APPLICATION

- 1.1 On 07/09/2022, an application, **Annex A**, to vary a Premises Licence, **Annex B**, was received from Michael David Lynch and Samantha Jane Tregallas for The Lounge Café Bar.
- 1.2 The premises is a bar licensed to sell alcohol, provide entertainment and late night refreshment. The current Premises Licence was granted under the Licensing Act 2003 following a hearing in 2005. The hearing was required as there were representations from Powys Environmental Protection, based on complaints of excessive noise. **Annex C**.
- 1.3 The applicants & the Licensing Authority satisfied procedural obligations by consulting the Responsible Authorities and advertising the application.
- 1.5 The Applicants had applied for a variation to the Premises Licence authorising the sale of Alcohol, Entertainment and Late Night Refreshment for an additional hour, on Thursday, Friday, Saturday and Sundays preceding Bank Holidays. Therefore these 3 activities would be licensed until 3am on these days. The application for the Entertainment and Late Night Refreshment were later withdrawn **Annex D** following initial objections from Powys County Council Environmental Protection and The Police leaving only the application that alcohol could be sold until the later 3am time on these days. The Police and Environmental Protection withdrew their objections. The applicants also agreed to new conditions being placed on the Premises Licence at the request of the Police set out at **Annex E**.

2. REPRESENTATIONS

2.1 Responsible Authorities

There are no objections from the Responsible Authorities. However, Powys Environmental Protection pointed out the 7 separate complaints about excessive noise

over the Jazz Festival in 2022. Powys Trading Standards also raised the issue of the Closure Order given to the premises due to COVID Regulation breaches and the sale of alcohol breaching the Minimum Unit Pricing Regulations in August of this year.

The Licensing Authority will confirm that a closure order under the COVID regulations was issued to the premises in November 2020. This was following an incident of disorder investigated by the police and CCTV being viewed which showed an obvious lack of control and serious breaches of COVID regulations.

In addition, a warning letter was sent to them regarding a breach of condition relating to all windows and doors to be kept closed after 23:00 hours. In this instance, on 12/08/2019, it was reported by a complainant that the front doors were left open and not closed until the police attended at 00:20hours.

2.2 Other Persons

Objections

Representations were received from the local Cllr Liz Rijnenberg which is set out in full below and at Annex F

"I would like to object to the licence being extended until 3 am for The Lounge on Thurs/Fri/ Sat of Bank Holiday weekends. The reasons are as follows:

- The Lounge is located in the Centre of Brecon and there are many residents living in flats nearby, for example: 10 flats on Bell Lane; 22 properties on Castle Street, some of which contain up to 6 flats; 8 flats and a cottage on Chapel Street, 4 properties on George Street; 18 properties on Lion Street up to Bethel Square and properties on High Street. Some of these are elderly long standing residents who are not accustomed to noise late into the night.
- People leaving licensed premises are often noisy and the later that the premise is open the more alcohol is likely to be consumed. Patrons will be leaving on foot or by taxi which can wake people who go to work early in the morning.
- People will congregate out on the street in warm weather, and to smoke, which will also cause added disruption if it continues until 3 am.
- During the jazz festival 2022 I had complaints from people either in writing, or in person (passed to PCC environment) about the level of noise resulting from a licence being granted to The Bank and The Lounge to play music until 3am.
- I want to see all local businesses thrive but I am not confident that this is a necessary extension and a 2am closure should be adequate.
- I have also been approached with observations from public about the levels of mess left on the pavements outside The Lounge on weekend mornings. The cigarette butts have been left all over the pavements and no attempt to clean other deposits up. I believe that extending the alcohol licence is likely to exacerbate this issue. I have seen this mess first hand, taken photographs and spoken with an adjacent business who take great pride on the appearance of their frontage.

Overall, I don't think this is the right time for an extension and I would be interested to know what steps the owners are intending to put in place given the concerns raised.

Whilst the music may be turned off at 2 am patrons will still be going outside until 3am to smoke and will generate noise on leaving – do they have any plans on how this can be ameliorated if their application is accepted?”

One complaint has been received from a member of the public. Set out below and at Annex G.

“Notice has been given in the Brecon & Radnor Express of 12th October of the application for a variation of a premises licence for the Lounge Cafe Bar at 21a The High Street, Brecon, LD3 7LA. This variation would allow the sale of alcohol from 11:00 to 03:00 Thursday, Friday, Saturday and Sunday prior to a bank holiday.

I live at a distance that ‘should’ mean I am not adversely affected by the activities of the Lounge Bar, however, that is currently not the case. Often the noise from this venue carries far enough to disturb me at night. In warm weather I can hear the clientele who spill out onto the streets and loud music from within. It is not fair that I have to sleep with windows closed in warm weather. When closing time eventually comes, I am often treated to drunken revellers singing, shouting, swearing, sometimes urinating, sometimes committing acts of vandalism as they make their way home along the street where I live. None of which can be solved by reporting after the event.

During the Jazz Festival, the noise and disturbance was extended up until 3am from this venue and the aftermath when their customers staggered through the streets carried on much longer and was utterly intolerable. I have heard that many noise complaints were made to the council about it (including my own via the noise app. though no acknowledgement or response was ever received.) It seems to me that this proposed alteration to the license will make every weekend just as unbearable for residents, some of whom have to rise early for work.

It shouldn't be necessary to serve alcohol till 3am several nights per week every week and would, I am certain, cause extra policing expenditure and to encourage extended periods of drinking during a time of financial crisis seems particularly unwise.

Police will not attend for noise emanating from a licensed premises, nor should they. But is it possible to complain to the council in real time and have someone attend to measure the decibels or walk the surrounding streets to experience the disturbance being caused and then do something about it in a timely fashion. Residents feel hard done by and disempowered.

I am not against enterprise by a local business to increase their trade and understand that these are difficult times for everyone. Perhaps a noise traffic light system that cuts off power when a certain level of decibels has been breached should be used at this venue. I know that they have been installed elsewhere. This would help to limit the noise issue from the venue itself, although open windows and doors do not help. As to the problems caused by alcohol fuelled customers after they leave, I have nothing to offer by way of a solution except regular and active patrols by the police. But I would welcome your serious consideration of both these issues and the effect they have on local residents, along with carefully planned measures to mitigate them before any variation to the license is granted.”

3. OPTIONS

- 3.1 In determining the application for the Premises Licence, the Sub-Committee must take such steps as are considered appropriate 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

3.2 **Annex H** contains an extract from the current Powys Licensing Policy relating to Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.

3.3 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.

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ANNEX A

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 Michael David Lynch and Samantha Jane Tregallas

(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 00NN/PREM/B/000164
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
The Lounge Café Bar 21A High Street			
Post town	Brecon	Postcode	LD3 7LA

Telephone number at premises (if any)	01874 622631
Non-domestic rateable value of premises	£15,000

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	theloungebarbrecon@gmail.com
Current postal address if different from premises address	REDACTED
Post town	REDACTED
Postcode	REDACTED

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)

To extend the permitted hours for licensable activity on Thursdays, Fridays, Saturdays and Sundays preceding a bank holiday Monday.

The operating schedule in the existing premises licence is still sufficient for promoting the licensing objectives.

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)
 - b) films (if ticking yes, fill in box B)
 - c) indoor sporting events (if ticking yes, fill in box C)
 - d) boxing or wrestling entertainment (if ticking yes, fill in box D)
 - e) live music (if ticking yes, fill in box E)
 - f) recorded music (if ticking yes, fill in box F)
 - g) performances of dance (if ticking yes, fill in box G)
 - h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for performing plays (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films 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)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Tue					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5) To occasionally host regulated indoor sporting events
Day	Start	Finish	
Mon	1100	0200	
Tue	1100	0200	<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed	1100	0200	From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. From 1100 until 0300 on Sundays preceding a bank holiday Monday.
Thur	1100	0300	<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri	1100	0300	
Sat	1100	0300	
Sun	1100	0200	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here (please read guidance note 5)</u>					
Mon								
Tue								
Wed						<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Sat								
Sun								

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place 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) For occasional live music events for our customers					
Mon	1100	0200						
Tue	1100	0200						
Wed	1100	0200				<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	1100	0300	From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. From 1100 until 0300 on Sundays preceding a bank holiday Monday.					
Fri	1100	0300	<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	1100	0300						
Sun	1100	0200						

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 checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5) To provide recorded music for our customers		
Mon	1100	0200			
			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Tue	1100	0200			
			From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. From 1100 until 0300 on Sundays preceding a bank holiday Monday.		
Wed	1100	0200			
			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)		
Thur	1100	0300			
Fri	1100	0300			
Sat	1100	0300			
Sun	1100	0200			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	0200	<u>Please give further details here</u> (please read guidance note 5) To provide performances of dance for our customers	Both	<input type="checkbox"/>
Tue	1100	0200			
Wed	1100	0200	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) From the end of permitted hours on New Year’s Eve until the commencement of permitted hours on New Year’s Day. From 1100 until 0300 on Sundays preceding a bank holiday Monday.		
Thur	1100	0300			
Fri	1100	0300	<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)		
Sat	1100	0300			
Sun	1100	0200			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing Any similar entertainment not encompassed by the above licensable activities		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Mon	1100	0200		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	1100	0200	<u>Please give further details here</u> (please read guidance note 5)		
Wed	1100	0200			
Thur	1100	0300	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri	1100	0300	From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. From 1100 until 0300 on Sundays preceding a bank holiday Monday.		
Sat	1100	0300	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun	1100	0200			

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 type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	2300	0200	Please give further details here (please read guidance note 5) For hot food and/or hot drink to be provided for our customers for consumption on or off the premises	Both	<input checked="" type="checkbox"/>
Tue	2300	0200			
Wed	2300	0200	State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur	2300	0300			
Fri	2300	0300	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)		
Sat	2300	0300			
Sun	2300	0200			

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 type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)</p> <p>From the end of permitted hours on New Year’s Eve until the commencement of permitted hours on New Year’s Day.</p> <p>From 1100 until 0300 on Sundays preceding a bank holiday Monday.</p> <p><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)</p>		
Mon	1100	0200			
Tue	1100	0200			
Wed	1100	0200			
Thur	1100	0300			
Fri	1100	0300			
Sat	1100	0300			
Sun	1100	0200			

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).

None

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) From the end of permitted hours on New Year's Eve until the commencement of permitted hours on New Year's Day. From 1100 until 0330 on Sundays preceding a bank holiday Monday.
Day	Start	Finish	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)
Mon	1100	0230	
Tue	1100	0230	
Wed	1100	0230	
Thur	1100	0330	
Fri	1100	0330	
Sat	1100	0330	
Sun	1100	0230	

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

None

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 measures contained in the existing premises licence operating schedule are still valid and promote the licensing objectives.

b) The prevention of crime and disorder

The measures contained in the existing premises licence operating schedule are still valid and promote the licensing objectives.

c) Public safety

The measures contained in the existing premises licence operating schedule are still valid and promote the licensing objectives.

d) The prevention of public nuisance

The measures contained in the existing premises licence operating schedule are still valid and promote the licensing objectives.

e) The protection of children from harm

The measures contained in the existing premises licence operating schedule are still valid and promote the licensing objectives.

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.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- 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.
- 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.


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	<small>DocuSigned by:</small>  <small>7FEDEBFD89794F6...</small>
Date	01-Sep-2022 3:13 PM BST
Capacity	Applicant

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	<small>DocuSigned by:</small>  <small>7FEDEBFD89794F6...</small>
Date	01-Sep-2022 3:15 PM BST
Capacity	Applicant

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
 Hugh James Solicitors Two Central Square			
Post town	Cardiff	Post code	CF10 1FS

Telephone number (if any)	02922 675922
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Nicola.jordan@hughjames.com	

Cyngor Sir Powys County Council

Premises Licence

Premises Licence Number 00NN/PREM/B/000164

Premises Details

Address of premises, or if none, ordnance survey map reference or description

THE LOUNGE CAFÉ BAR
21A HIGH STREET
BRECON
POWYS
LD3 7LA

Telephone Number 01874 622631

Where the licence is time limited the dates

N/A

The opening hours of the premises

SUNDAY TO SATURDAY 10:00 TO 03:00
ON NEW YEARS EVE FROM THE END OF PERMITTED HOURS ON NEW
YEARS EVE TO THE START OF PERMITTED HOURS ON THE
FOLLOWING DAY

Where the licence authorises the supplies of alcohol whether these are
on and / or off supplies

CONSUMPTION ON AND OFF THE PREMISES

Name, (registered) Address, telephone number of holder of premises
licence.

MICHAEL DAVID LYNCH AND SAMANTHA JANE TREGELLAS

[REDACTED]

[REDACTED]

[REDACTED]

Telephone Number [REDACTED]

Registered number of holder, for example company number, charity
number (Where applicable)

N/A

Licensable activities authorised by the licence & the times the licence authorises the carrying out of those licensable activities

THE SALE / SUPPLY OF ALCOHOL

SUNDAY TO SATURDAY 10:00 TO 02:00

ON NEW YEARS EVE FROM THE END OF PERMITTED HOURS ON NEW YEARS EVE TO THE START OF PERMITTED HOURS ON THE FOLLOWING DAY

INDOORS SPORTING EVENTS

LIVE MUSIC INDOORS

RECORDED MUSIC INDOORS

PROVISION OF FACILITIES FOR MAKING MUSIC INDOORS

PROVISION OF FACILITIES FOR DANCING INDOORS

SUNDAY TO SATURDAY 11:00 TO 02:00

PERFORMANCE OF DANCE INDOORS

THURSDAY TO SUNDAY 12:00 TO 01:00

ANYTHING OF A SIMILAR DESCRIPTION TO THE ABOVE LICENSABLE ACTIVITIES INDOORS

SUNDAY TO SATURDAY 18:00 TO 02:00

LATE NIGHT REFRESHMENT INDOORS/OUTDOORS

SUNDAY TO SATURDAY 23:00 TO 02:00

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol.

SAMANTHA JANE TREGELLAS

Address & telephone number of designated premises supervisor.
(If different than premises address)

N/A

Telephone Number **[REDACTED]**

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number **00NN/PERS/B/000553**

Issuing Authority **Powys County Council**

Annex 1 – Mandatory Conditions

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.**

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door supervisors will be correctly registered with the SIA.

- 1. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-**
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);**
 - (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;**

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) 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 a holographic mark.
 5. The responsible person shall 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 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; and
 - (b) customers are made aware of the availability of these measures.

Mandatory Licensing Condition from 28th May 2014

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(a);
 - (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 rate 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) "valued added tax" means value added tax charged in accordance with the Value Added
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.

Annex 1A – Embedded Restrictions

N/A

Annex 2 – Conditions consistent with the operating Schedule

1. S.I.A Door Staff will be employed at the Premises at anytime when any Live Music events or Recorded Music Events (D.J. Evenings, Birthday parties etc) are staged at the venue and on every Saturday whether these is any music or not. The hours of duty shall be from 9:00pm until closure of the Premises. The minimum number of S.I.A employed during these times will be 2 x S.I.A when only the downstairs area of the Premises is open for business and 3 x S.I.A when both the downstairs and upstairs areas are open for business. A daily record will be kept in a file on the premises with the names of the Door Staff on duty together with their Badge numbers. This file shall be available for inspection by any member of the Licensing Team of the Local authority and any Police Officer on request.
2. Crime Prevention Notices displayed and supplied by the local Police
3. Glass ban and bottle restriction during Brecon Jazz Festival
4. An inspection to be carried out by a qualified and competent electrician to maintain a current electrical certificate and for the certificate to be available for inspection at the premises
5. Adequate and appropriate supply of First Aid equipment to be available on the premises at all times
6. Any deliveries or collections to be carried out within the daytime period only
7. Any bottle and waste disposal not to take place during the night time
8. Any performance of dance, i.e. strippers, no children will be allowed onto the premises
9. A self closing door to be provided to the first floor smoking area which is to be maintained in a self closing state at all times and not propped open in anyway.
10. No open glass vessels to be taken out of the premises at any time.
11. CCTV installed and working to the satisfaction of Dyfed Powys Police.
12. The management join and participate in the local pub watch scheme e.g. BOBB Scheme.

13. The premises will operate an age verification policy as outlined in the Dyfed-Powys Police age verification policy (dated 26th Feb 2018).
14. When the premises is open for business no children aged 14 years or under are to be allowed on the premises on any day after 9pm unless accompanied by an adult.

Annex 3 – Conditions attached after a hearing by the Licensing Authority

1. A noise limiter to be fitted to all amplification set at a level to be agreed by the Environmental Protection Officer of Powys County Council
2. Sealed double glazing shall be fitted to the first floor bar lounge
3. A satisfactory acoustically treated air conditioning system shall serve all public areas
4. All windows and doors to be kept closed after 23:00 hours

5.

Annex 4 – Plans

DATED: 30th September 2005 (UPDATED: 18th August 2022)

Natalie Jones

Authorised Officer

**Powys County Council, County Hall, Llandrindod Wells,
Powys. LD1 5LG. Tel No. 01597 826000**

CYNGOR SIR POWYS COUNTY COUNCIL

Brecknockshire Licensing Sub-Committee

Wednesday 21st September 2005

REPORT BY : Licensing Officer

SUBJECT : The Lounge Café Bar, 21A High Street, Brecon, LD3 7LA
Application to Vary Premises Licence

REPORT FOR : DECISION

1. INTRODUCTION

- 1.1 Mr Graham Craig Powell and Mr Michael David Lynch have applied to convert the existing Justices Licence and Public Entertainment Licence to a Premises Licence under the Licensing Act 2003. In addition, an application to vary the Premises Licence has been submitted for consideration.

2. BACKGROUND

- 2.1 The Lounge Café Bar is situated on the High Street with adjoining commercial properties on both sides. The premise consists of bars on the ground and first floors with toilets in the basement and private accommodation on the second and third floors. There is no outside drinking area at the premises. A location map of the premises is set out at Annex A.
- 2.2 The premises currently holds a Full Justices Licence and Special Hours Certificate for consumption of alcohol on or off the premises under the Licensing Act 1964, which permits sale of alcohol between 11.00 to 23.00 Monday to Wednesday, 11.00 to 01.00 Thursday to Saturday and 12 noon to 22.30 on Sunday. The premises also holds a Public Entertainment Licence for the purposes of public dancing or music or any other public entertainment of a like kind, Monday to Wednesday 16.00 to 23.00, Thursday to Saturday 16.00 to 01.00 and Sunday 16.00 to 22.30. The current conditions detailed in Annex D which are attached to this Public Entertainment Licence, will be transferred automatically as part of this application.
- 2.3 On 3rd August 2005, Mr G.C. Powell and Mr M.D. Lynch submitted an application under the Licensing Act 2003 to convert to a premises licence and applied also to vary the terms of the licensable activity. A copy of the application and a plan of the premises are reproduced at Annex B.
- 2.4 The application is set out in two parts on the application form. Part A, to convert the current Justices Licence and Public Entertainment Licence to a Premises Licence are unopposed by the Police and therefore will be granted under delegated powers. Part B concerns the application to vary the licence and is opposed by the Environmental Protection Officer. The Licensing Sub-Committee is therefore asked to consider this part of the application.

Breconshire
Licensing
Sub-Committee
21st September 2005
11.30 am

The Lounge Cafe Bar
Brecon

Oct 2002 Advise to licensee before opening.

The Lounge Café Bar, Brecon

The Council's Environmental Health Service (EHS) can provide the following summary of prevention of public nuisance issues for these premises.

Public Complaints

The following members of the public have complained to the EHS about loud music at the Lounge:

1. Mr Blair, owner of the George Hotel – verbal complaint - 12/08/2005
2. Dorothy Kenny, resident of the George Hotel – by letter dated -14/08/2005
3. Mr & Mrs J.J. Roberts, residents of the George Hotel – by letter dated - 18/08/2005

Police complaints and Monitoring by the EHS: -

1) 18/08/2003 – Sgt Scrase (Brecon Police) complained about very loud music from the Lounge. Sgt Scrase had received complaints from other licensees & Police colleagues.

2) 07/11/2003 – DKR of the EHS spoke to Mike Lynch (licensee) following concerns of Police over noise as part of Brecon Civic Pride Survey

3) 21/05/2004 – Visit by DKR & MG of the EHS who spoke to Mike Lynch. On 02/06/2004, a follow up letter was sent to Mike Lynch by DKR providing noise control advice

4) Sgt Scrase complained on 15/08/2004 of excessive noise from the Lounge Bar and requested help from the EHS. In response AB of the EHS attended. She noted all doors were open, music speakers were facing the street and dancing drunks were seen in the street immediately outside the premises.

5) 20/08/2004 – (11.20pm) Visit to area by MG/AB (EHS) – loud music evident, doors and windows left open with a DJ playing music in the front of the ground floor bar.

6) 25/06/2005- 00:40hrs MG (EHS) heard very loud music from the Lounge – windows to first floor lounge open & music louder when customers entered and left premises & doors were opened.

Prevention of Public Nuisance Measures Offered by the Applicants: -

The applicant has offered the following measures to prevent public nuisance:

- Deliveries and collections in day time only
- Bottle and waste disposal not to take place at night time

Noise Control Issues

The following noise control issues are considered relevant: -

- loud amplified music is regularly played at the premises with the openable frontage and front and rear doors and windows left open.
- This loud music is clearly audible in High Street and Castle Street and has prompted complaints from the members of the public.

- Existing air conditioning system is inadequate resulting in the windows being left open.

Noise control improvements are required which should include: -

- Replacement of operable frontage with a double door lobby & fixed structural frontage with acoustic glazing.
- Lobbies and self closing acoustic doors to ground & first floor rear doors (subject to agreement by the Fire Officer)
- Sealed acoustic glazing to FF bar lounge frontage
- An improved acoustically treated air conditioning ventilation system to serve all public areas.
- A sound limiter as an interim measure until the full noise control scheme is implemented.

Opening hours: -

Closing no later than 01:00hrs until noise control scheme can be implemented and its effectiveness reviewed. Closing at 03:00hrs is too late in current circumstances.

3. VARIATION

3.1 The applicant wishes to vary the licence:

- To include indoor sporting events such as darts and quoits.
- To include the performance of live amplified music such as bands and singers.
- To include the playing of recorded music.
- To include the provision of facilities for making music.
- To include the provision of facilities for dancing as the general floor area.

To carry out the above activities 7 days a week 11.00 to 02.00

- To include the performance of dance.
Thursday to Sunday 12.00 to 01.00
- To include entertainment such as comedians and anything of a similar description.
7 days a week 19.00 to 02.00
- To include the provision of facilities for karaoke entertainment and anything of a similar description.
7 days a week 18.00 to 02.00
- To include the provision of late night refreshment.
7 days a week until 02.00
- To extend alcohol sales.
7 days a week 10.00 to 02.00
To reflect existing New Years Eve/Day hours (36 hours continual trading)
- Hours premises open to the public
7 days a week 10.00 to 03.00

3.2 In accordance with the Licensing Act 2003 procedure, the applicant has sent copies of the variation application to the Responsible Authorities for consultation, and has advertised the application to bring it to the attention of the local community.

4. ADDITIONAL CONDITIONS

4.1 The applicant has offered a number of additional operating conditions to be put in place if the variation is granted:

- a) Security Industry Agency (SIA) Registered door staff on the premises.
- b) All staff trained in the awareness of asking for proof of I.D. and their responsibility for not serving drunks.

- c) Crime Prevention Notices displayed as supplied by the local Police.
- d) Glass ban and bottle restriction during the Brecon Jazz Festival.
- e) Adequate and appropriate fire fighting equipment and emergency lighting and emergency exits to be maintained.
- f) An inspection to be carried out by a qualified competent electrician to maintain a current electrical certificate and for the certificate to be available for inspection at the premises.
- g) To maintain and log weekly fire alarm checks.
- h) Adequate and appropriate supply of First Aid equipment to be available on the premises at all times.
- i) Any deliveries or collections to be carried out within the daytime period only.
- j) Any bottle and waste disposal not to take place during the night time.
- k) Any children on the premises to be accompanied by an adult.
- l) Any performance of dance, i.e. strippers, no children will be allowed onto the premises.

5. REPRESENTATIONS

5.1 Responsible Authorities

- a) Dyfed Powys Police have no representations to make.
- b) The Mid & West Wales Fire & Rescue Service – no representations received.
- c) The Enforcing Authority for Health & Safety – no representations received.
- d) Planning Department, Powys County Council, – no representations received.
- e) The Trading Standards Service has no representations to make.
- f) Childrens' Services, Powys County Council – no representations received.
- g) On 19th August 2005, the Environmental Protection Officer sent a letter to both the applicants objecting to the application, a copy of the letter is set out in Annex C.

5.2 Interested Parties

No representations received.

6. **OPTIONS**

6.1 In determining the application to vary the Premise Licence, the Sub-Committee must take such steps as are considered necessary for the promotion of the licensing objectives. These are:

- a) to grant the variation subject to the conditions offered by the applicant and the mandatory conditions set out in sections 19 (supply of alcohol) Licensing Act 2003 or,
- b) to modify the conditions of the licence or,
- c) to reject the whole or part of the application.

7. **DETERMINATION**

7.1 The Sub-Committee is requested to determine the application.

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Annex A



Powys
Cyngor Sir Powys
Powys County Council

Community Services
Environmental Health
Ffon/Tel 01874 624141
Ffacs/Fax 01874 612232

The Lounge Cafe Bar
21 High Street
Brecon

Compiled by Ms J Evans
Date 2 September 2005
Scale 1:1250

ANNEX D

HUGH | JAMES
Understanding law, understanding you

Cardiff:
Two Central Square
Cardiff
CF10 1FS
DX: 33000 Cardiff 1

hughjames.com
info@hughjames.com
f: 029 2038 8222

Licensing Authority
Powys County Council

By email only to: licensing@powys.gov.uk

Your ref:
Our ref: NJ/TRE/340/1
Please ask for: Nicola Jordan
Date: 28 September 2022
Direct Line: 02922 675922
Email: nicola.jordan@hughjames.com

Dear Sir/Madam

Application for Variation of Premises Licence – The Lounge Café Bar, High Street, Brecon

We refer to the above and wish to advise that there was a misunderstanding in our client instructions, and they do not wish to apply for regulated entertainment until 0300 Thursdays to Saturdays or Sundays preceding a bank holiday Monday. Regulated entertainment for these days should end at 0200 as per the remainder of the week.

There are no alterations to the times sought for the sale of alcohol, late night refreshment or closing times.

Could you please notify the Responsible Authorities accordingly?

Yours sincerely



~~XXXXXXXXXX~~
Paralegal

Application to Vary Premises Licence.**The Lounge, Brecon.****Proposed New & Amended Conditions.**

The existing conditions as outlined on the current licence shall remain with the amendments and new conditions added.

- 1. S.I.A Door Staff will be employed at the Premises at anytime when music is played at above back round levels and on every Saturday whether there is any music or not and on a Sunday which forms part of a Bank Holiday weekend. The hours of duty shall be from 9:00pm until closure of the Premises. The minimum number of S.I.A employed during these times will be 2 x S.I.A when only the downstairs area of the Premises is open for business and 3 x S.I.A when both the downstairs and upstairs areas are open for business. A daily record will be kept in a file on the premises with the names of the Door Staff on duty together with their Badge numbers. This file shall be available for inspection by any member of the Licensing Team of the Local authority and any Police Officer on request.**
- 2 CCTV installed and working to the satisfaction of Dyfed Powys Police with sufficient staff trained to operate the system and be able to provide copies of any related footage to the Police or officer of the Local authority upon request during opening hours or otherwise in the case of an emergency.**
- 3 A Personal Licence holder shall be present on the premises from 9pm on every Saturday and Sunday of a Bank holiday weekend when any entertainment is provided at the premises as described in condition 1.**

- 4 The Premises shall use and have in place a suitable counting device from 9pm until closure of the premises on any night when the premises is providing entertainment as outlined in condition 1. The maximum capacity for the premises shall be set in line with that identified in any fire risk assessment for the premises.**

- 5 No new customers shall be permitted entry to the premises after 2am on any Thursday, Friday, Saturday and on a Sunday that forms part of a Bank holiday weekend.**

Simon Lewis

From: Councillor Liz Rijnenberg
Sent: 29 November 2022 13:10
To: Licensing
Cc: [REDACTED]
Subject: RE: Licence variation application: The Lounge Cafe Bar, Brecon

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Simon

Dear Simon

I would like to object to the licence being extended until 3 am for The Lounge on Thurs/Fri/ Sat of Bank Holiday weekends. The reasons are as follows:

- The Lounge is located in the Centre of Brecon and there are many residents living in flats nearby, for example: 10 flats on Bell Lane; 22 properties on Castle Street, some of which contain up to 6 flats; 8 flats and a cottage on Chapel Street, 4 properties on George Street; 18 properties on Lion Street up to Bethel Square and properties on High Street. Some of these are elderly long standing residents who are not accustomed to noise late into the night.
- People leaving licensed premises are often noisy and the later that the premise is open the more alcohol is likely to be consumed. Patrons will be leaving on foot or by taxi which can wake people who go to work early in the morning.
- People will congregate out on the street in warm weather, and to smoke, which will also cause added disruption if it continues until 3 am.
- During the jazz festival 2022 I had complaints from people either in writing, or in person (passed to PCC environment) about the level of noise resulting from a licence being granted to The Bank and The Lounge to play music until 3am.
- I want to see all local businesses thrive but I am not confident that this is a necessary extension and a 2pm closure should be adequate.
- I have also been approached with observations from public about the levels of mess left on the pavements outside The Lounge on weekend mornings. The cigarette butts have been left all over the pavements and no attempt to clean other deposits up. I believe that extending the alcohol licence is likely to exacerbate this issue. I have seen this mess first hand, taken photographs and spoken with an adjacent business who take great pride on the appearance of their frontage.

Overall, I don't think this is the right time for an extension and I would be interested to know what steps the owners are intending to put in place given the concerns raised.

Whilst the music may be turned off at 2 pm patrons will still be going outside until 3am to smoke and will generate noise on leaving – do they have any plans on how this can be ameliorated if their application is accepted?

**Byw, dysgu, gweithio a chwarae ym Mh
Live, learn, work and play in Powys**

From: [REDACTED]
Sent: 14 October 2022 14:14
To: Licensing <licensing@powys.gov.uk>
Subject: Licence variation application: The Lounge Cafe Bar, Brecon

For the attention of the Licensing Officer, Powys County Council, Neuadd Brycheiniog.

Notice has been given in the Brecon & Radnor Express of 12th October of the application for a variation of a premises licence for the Lounge Cafe Bar at 21a The High Street, Brecon, LD3 7LA. This variation would allow the sale of alcohol from 11:00 to 03:00 Thursday, Friday, Saturday and Sunday prior to a bank holiday.

I live at a distance that 'should' mean I am not adversely affected by the activities of the Lounge Bar, however, that is currently not the case. Often the noise from this venue carries far enough to disturb me at night. In warm weather I can hear the clientele who spill out onto the streets and loud music from within. It is not fair that I have to sleep with windows closed in warm weather. When closing time eventually comes, I am often treated to drunken revellers singing, shouting, swearing, sometimes urinating, sometimes committing acts of vandalism as they make their way home along the street where I live. None of which can be solved by reporting after the event.

During the Jazz Festival, the noise and disturbance was extended up until 3am from this venue and the aftermath when their customers staggered through the streets carried on much longer and was utterly intolerable. I have heard that many noise complaints were made to the council about it (including my own via the noise app. though no acknowledgement or response was ever received.) It seems to me that this proposed alteration to the license will make every weekend just as unbearable for residents, some of whom have to rise early for work.

It shouldn't be necessary to serve alcohol till 3am several nights per week every week and would, I am certain, cause extra policing expenditure and to encourage extended periods of drinking during a time of financial crisis seems particularly unwise.

Police will not attend for noise emanating from a licensed premises, nor should they. But is it possible to complain to the council in real time and have someone attend to measure the decibels or walk the surrounding streets to experience the disturbance being caused and then do something about it in a timely fashion. Residents feel hard done by and disempowered.

I am not against enterprise by a local business to increase their trade and understand that these are difficult times for everyone. Perhaps a noise traffic light system that cuts off power when a certain level of decibels has been breached should be used at this venue. I know that they have been installed elsewhere. This would help to limit the noise issue from the venue itself, although open windows and doors do not help. As to the problems caused by alcohol fuelled customers after they leave, I have nothing to offer by way of a solution except regular and active patrols by the police. But I would welcome your serious consideration of both these issues and the effect they have on local residents, along with carefully planned measures to mitigate them before any variation to the license is granted.

17 PREVENTION OF CRIME AND DISORDER

Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder problems. The Licensing Authority will expect operating schedules to satisfactorily address these issues, applicants are recommended to seek advice from the Licensing Authority and the Police.

Where an applicant is considering installing CCTV as part of the operating schedule then advice should be sought from the Police Licensing Officer. Dyfed Powys Police have available an Operational Requirement Guidance document for premises that use CCTV <https://www.dyfed-powys.police.uk/media/8681/cctv-licensed-premises-guidelines-english.pdf>

There is a County-wide pub watch network in place run by licensees, known as the BOBB (Behave or be banned) scheme they promote good practice, sharing information, disseminating best practice and provide a forum for the responsible authorities to engage with licensees when necessary. The Licensing Authority encourages all licensees to actively participate in their local BOBB scheme in order to uphold this licensing objective

It may be appropriate for some late night venues to employ door staff in order to prevent crime and disorder, where door staff are employed then it is a mandatory condition that they are registered with the SIA (Security Industry Authority), operators will need to consider:

- what checks are made to the validity of the SIA licence?
- What records are kept of SIA checks,
- search & entrance policies
- employment times of SIA and their training?

Operators may wish to consider a drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored? Are areas or surfaces designed to prevent the likelihood of drug use at the premises?

Use of polycarbonate drinking vessels might be a suitable control measure in some venues and also might be appropriate for all venues in some locations at certain times e.g. for premises in Builth Wells town centre during the Royal Welsh Show, or premises in Brecon town centre during the Brecon Jazz festival

18 PUBLIC SAFETY

The Licensing Authority will expect operating schedules to satisfactorily address issues concerning public safety and are advised to seek advice from the relevant bodies e.g. Health and Safety Enforcement Officers and Mid and West Wales Fire Authority.

The Licensing Authority expects that applicants meet the requirement for both a Health & Safety Risk Assessment and Fire Risk Assessment under the relevant provisions, where necessary.

Other controls measures for consideration in order to promote the public safety objective may include:

- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.
- Appropriate First Aid facilities and staff training on when to administer/ not administer First Aid.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises.
- Adoption of best practice guidance (Assistance can be obtained by contacting such Environmental Health, Fire Safety and HSE).
- Provision of effective CCTV in and around premises.
- Implementation of crowd management measures.

The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks, to which persons may be exposed for the purpose of identifying the general fire precautions, which need to be taken, this would include a safe operating capacity. Therefore, no conditions may be imposed on an authorisation where it directly relates to fire safety. It is expected therefore that authorisation holders will conduct a thorough risk assessment which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request by any authorised officer of the Council.

19 THE PREVENTION OF PUBLIC NUISANCE

Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation. Applicants must demonstrate in their operating schedule suitable and effective measures to prevent nuisance failure to address this objective is likely to lead to an objection. Particular regard should be had to minimise the potential for public nuisance that may arise from premises where:

- They are situated in residential or noise sensitive areas and/or
- Extended opening hours are proposed

Where an application has been made for either a one-off event or for a premises that is either wholly or partly outside or within a temporary structure such as a tent or marquee consideration needs to be given to the needs of local residents and the applicant will be required to offer controls so that local residents will not suffer noise nuisance; these should be proportionate to the nature/scale and duration of the event and also to the proximity to local residents. In some circumstances it will be appropriate to submit a noise management plan. Applicants should seek advice at an early stage from Environmental Protection Officers in relation to whether a Noise

Management Plan in accordance with The Noise Council Code of Practice is required.

The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable.

Smoking & External areas - Legislation preventing smoking indoors at public premises has resulted in many customers of licensed premises and clubs using external areas. Premises licence holders, designated premises supervisors and applicants must have regard to how this has an impact on the four licensing objectives. Control measure may include restricting access to external drinking areas at certain times, or prevent customers from taking drinks into external smoking areas in order to discourage customers from lingering outside and potential causing a disturbance to residents

