Public Document Pack

Licensing Sub-Committee

Meeting Venue
By Zoom

Meeting Date
Tuesday, 4 April 2023

Meeting Time
10.00 am



County Hall Llandrindod Wells Powys LD1 5LG

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

24 March 2023

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 9.30 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 Principal Solicitor.

1.2. Application for a licence

To consider an application for a licence from Caffi Y Gaer, Brecon. (Pages 3 - 24)



CYNGOR SIR POWYS COUNTY COUNCIL

Licensing Sub-Committee Zoom Meeting at 10:00 on Tuesday the 04/04/2023

REPORT BY: Martin Phillips Licensing Officer

SUBJECT: Application for a Premises Licence for Caffi Y Gaer, Glamorgan Street,

Brecon, Powys, LD3 7DW

REPORT FOR: DECISION

1. APPLICATION

1.1 On the -08/02/2023, an application for a Premises Licence was received from NPTC Group of Colleges for Caffi Y Gaer, Glamorgan Street, Brecon, Powys, LD3 7 DW

- 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 and Annex B1**.
- 1.3 The Proposed Premises is of mixed-use including College facilities, Seminar Facilities, and a Public Library.
- 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 of Alcohol for both ON & OFF sales and Films 09:00 to 23:00 Monday to Sunday.

2. REPRESENTATIONS

2.1 Responsible Authorities

There were No Objections from any of the Responsible Authorities.

However, Brecon Beacons National Park Authority Planning have requested that we advise the applicant that the application hours requested would be outside the current planning permission, The applicant has advised us that a new planning application has been submitted and they would be happy to amend the licensing hours to fall in line with the new planning permission if granted.

2.2 Other Persons

Objections

5 Representations have been received and the details of these representations are detailed and attached at Annex C.

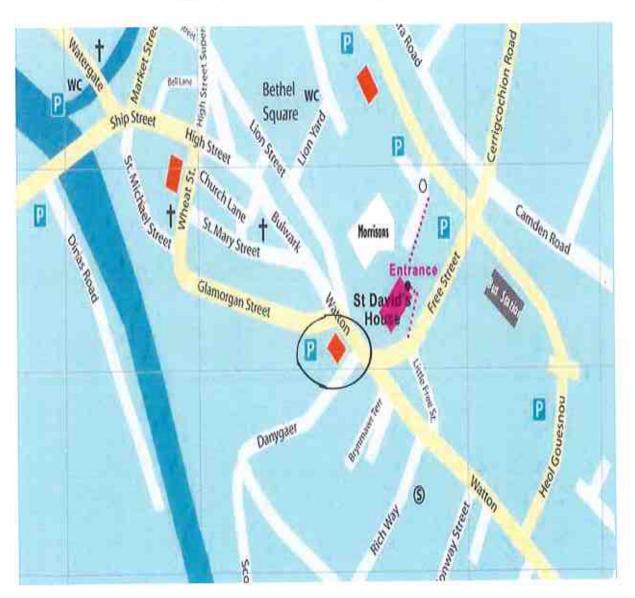
3. OPTIONS

- 3.1 In determining the application for the Premises Licence, the Sub-Committee must take such steps as are considered 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 If appropriate make reference to LA03 guidance or our Licensing policy if it relates to any of the points raised by objectors)
- 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.

ANNEX A







ANNEX B

Cyngor Sir Powys County Council

FORIVI 9



Application for a premises licence to be granted 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 or typed in black ink. Use additional sheets if necessary.

Once completed please send your application to: -

CYNGOR SIR POWYS COUNTY COUNCIL

The Licensing Officer

Council Offices	Council Offices	Council Offices
Neuadd Brycheiniog	Y Gwalia	Ty Maldwyn
Cambrian Way	Ithon Road	Brook Street
Brecon	Llandrindod Wells	Welshpool
Powys	Powys	Powys
LD3 7HR	LD1 6AA	SY21 7PH
Contact: 0845	602 7037 and ask to spea	k to an Officer

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

I/We ... Y Gaer, NPTC Group of Colleges...

(Insert name of applicant / applicants)

apply for a premises licence under section17 of the Licensing Act 2003 for the premises described in Part1 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

		or if none ordnance surve	y map reference o
Y Gaer			
Glamorgan	Street		
Post town	T. D.		L PLOWING
	Brecon	Post code	LD37DW
THE CHARLES TO SEE SHOULD SEE	Brecon	Post code	LD37DW

Telephone number of premise	s (if any)

£ Non-domestic rateable value of	premises UNKNOWN	

Part 2 - Applicant Details Please state whether you are applying for	Please Tick or insert	Novet Cton
a premises licence as	"YES" in the relevant	Next Step
a). An individual or individuals.		Please complete Section (A)
b). A person other than an individual. i. as a limited company		Please complete Section (B)
ii. as a partnership		Please complete Section (B)
iii. as an unincorporated association or		Please complete Section (B)
iv. other (for example a statutory corporation)		Please complete Section (B)
c) A recognised club		Please complete Section (B)
d) A charity		Please complete Section (B)
e) The proprietor of an educational establishment	YES	Please complete Section (B)
f) A Health Service Body		Please complete Section (B)
g) A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England		Please complete Section (B)
h) The chief officer of police of a police force in England and Wales		Please complete Section (B)

confirm:
Please tick v
Yes
Yes
Yes

A. DETAILS	of IN	DIVIDUA	L NOTICE	GIVERS (fill in	as applicable)	
Name						J.
Delete as app	ropria	te: Mr. Mrs	s. Wiss. Ws	Other title (for ex	ample, Rev)	
Surname						
Are you over	18	Yes	No	Date of Birth		
Place of Birth	1					
Nationality	11 0					
CURRENT PO	STAL	ADDRESS	if differen	t from premises a	ddress	n' i
	ss if an able (if g servi	y <i>(optiona</i> demonstr ce), the 9-	al) ating a righ digit "shar	nt to work via the e code" provided	Home Office online righ to the applicant by the	it to
Name				IOTICE GIVER) 0 U
	ropriate	e: IVIr. IVIrs	. IVIISS. IVIS.	Other title (for exa	ample, Rev)	
Surname Forenames						
Are you over	18	Yes	No	Date of Birth DD/MM/YYYY		
Place of Birth					A	
Nationality						
CURRENT PO	STAL A	ADDRESS	if different	from premises ac	Idress	
Post Town				Post Code		
Contact Phone E-mail Addres						
Where applica work checking service (pleas	ble (if	demonstrace), the 9-	ating a righ digit "share	code" provided	Home Office online righ to the applicant by the	t to
Share Code						

priate her than d.
Colon "

Part 3 Operating Schedule	Da	У	Me	onth	Y	ear		'n
When do you want the premises licence to start?	0	1	0	3	2	0	2	3
If you wish the licence to be valid only for a limited period, when do you want it to end?								
If 5,000 or more people are expected to attend the premises at any one time please state the number expected to attend.	N/A	Д	•	•	•			
Please give a general description of premises (Pleas	e reac	gui	idano	ce no	ote 1)		

Café located in the library building. Serving hot and cold drinks and meals for both the public and members and visitors of the college. Providing hospitality for College, library, and local community functions. Area to have licensable activities are outlined in yellow on attached floor plans. Please note outside area is up to the fence only.

What licensable activities do you intend to car (Please see sections 1 and 14 of the Licensing and 2 to the Licensing Act 2003		
Provision of regulated entertainment (please read guidance note 2)	PI	ease tick √
a) plays (if ticking yes, fill in box A)	YES	NO
b) films (if ticking yes, fill in box B)	YES√	NO
c) indoor sporting events (if ticking yes, fill in box C)	YES	NO
d) boxing or wrestling entertainment (if ticking yes, fill in box D)	YES	NO
e) live music (if ticking yes, fill in box E)	YES	ИО
f) recorded music (if ticking yes, fill in box F)	YES	NO
g) performances of dance (if ticking yes, fill in box G)	YES	NO
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	YES	NO
	PI	ease tick √
Provision of late night refreshment (if ticking yes, fill in box I)	YES	NO
Sale / Supply of alcohol (if ticking yes, fill in box J)	YES√	NO

IN ALL CASES PLEASE COMPLETE BOXES K, L, AND M BELOW

[BOX A] PLAYS Standard days and timings (please read guidance note 7)			Will the performance of a play take place	Indoors
			indoors or outdoors or both - Please Tick or insert "YES" in the relevant	Outdoors
Day	Start	Finish	box. (please read guidance note 3)	Both
Mon		7	Please give further details here (please read	guidance note 4)

Tue	
Wed	State any seasonal variations for performing plays (please read guidance note 5)
Thur	None
Fri	Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column
Sat	on the left, please list. (please read guidance note 6)
Sun	None

[BOX B] FILMS Standard days and timings		timinas	Will the exhibition of films take place indoors or outdoors or both –	Indoors		
	read guida		Please Tick or insert "YES" in the relevant	Outdoors		
Day	Start	Finish	box. (please read guidance note 3)	Both	1	
Mon	0900	2300	Please give further details here (please read gu	ildance note 4)	
Tue	0900	2300	Within the College and library spaces	Within the College and library spaces		
Wed	0900	2300	State any seasonal variations for the exhibition of films (please read guidance note 5)			
Thur	0900	2300	None			
Fri	0900	2300	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 6)			
Sat	0900	2300				
Sun	0900	2300	No			

[BOX C] INDOOR SPORTING EVENTS Standard days and timings (please read guidance note 7)		timings	Please give further details here (please read guidance note 4)
Day	Start	Finish	
Mon		4	

1	
	State any seasonal variations for indoor sporting events (please read guidance note 5)
	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. (please read guidance note 6)

[BOX D] BOXING OR		OR	Will the boxing or wrestling entertainment take place indoors or outdoors or both – Please Tick or insert "YES" in the relevant box (please read guidance note 3)	Indoors	
Standa	WRESTLING ENTERTAINMENT Standard days and timings (please read guidance note 7)			Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 4)		
Tue					
VVed	Wed		State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the		
Sat			column on the left, please list. (please read guid	ance note 6)	
Sun					

	E] LIVE MU		Will the performance of live music take place	Indoors
Standard days and timings (please read guidance note 7)			indoors or outdoors or both – Please Tick or insert "YES" in the relevant box (please read guidance note 3)	Outdoors
Day				Both
Mon			Please give further details here (please read g	uidance note 4)
Tue				
		1	Here have a service and a service of the service of	

Wed	State any seasonal variations for the performance of live music (please read guidance note 5)
Thur	
Fri	Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the
Sat	column on the left, please list. (please read guidance note 6)
Sun	

[BOX F] RECORDED MUSIC		Will the playing of recorded music take place	Indoors	
		Please Tick or insert "YES" in the relevant	Outdoors	
Start	Finish	box (please read guidance note 3)	Both	
		Please give further details here (please read g	uldance note 4)	
Wed		State any seasonal variations for playing recorded music (please read guidance note 5)		
		Non-standard timings. Where you intend to use the premises for playing of recorded music at different times to those listed in the		
		column on the left, please list. (please read gu	idance note 6)	
	rd days and read guidar	rd days and timings read guidance note 7)	indoors or outdoors or both - Please Tick or insert "YES" in the relevant box (please read guidance note 3) Please give further details here (please read guidance note 5) State any seasonal variations for playing recoguidance note 5) Non-standard timings. Where you intend to us	

*\14071945-0.WG	[BOX G] PERFORMANCE OF		Will the performance of dance take place indoors or outdoors or both – Please Tick or insert "YES" in the relevant box	Indoors Outdoors	
DANCE Standard days and timings (please read guidance note 7)					
Day	Start	Finish	(please read guidance note 3)	Both	
Mon			Please give further details here (please read	guidance note 4)	
Tue					
Wed			State any seasonal variations for the perform	nance of dance (please	

	read guidance note 5)
Thur	
Fri	Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column
Sat	on the left, please list. (please read guidance note 6)
Sun	

[BOX H] ANYTHING OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN (E), (F) or (G). Standard days and timings (please read guidance note 7)		PTION TO ITHIN (E), (F) lays and	Please give a description of the type of entertain providing	nment you will be	
Day	Start	Finish	Will the entertainment be taking place indoors	Indoors	
Mon			or outdoors or both – Please Tick or insert "YES" in the relevant box	Outdoors	
		3	(please read guidance note 3)	Both	
Tue			Please give further details here (please read guidance note 4)		
Thu			State any seasonal variations for entertainment description to that falling within (e), (f) or (g) (ple		
Fri			note 5) None		
Sat			Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or		
Sun			(g) at different times to those listed in the colum list. (please read guidance note 6)	in on the left, please	
Timb	1		None		

[BOX I] LATE NIGHT REFRESHMENT Standard days and timings (please read guidance note 7)		d timings	Will the provision of late night refreshment take place indoors or outdoors or both – Please Tick or insert "YES" in the relevant box	Indoors Outdoors
Day	Start	Finish	(please read guidance note 3)	Both
Mon			Please give further details here (please read	guidance note 4)

Tue	
Wed	State any seasonal variations for the provision of late night refreshment (please read guidance note 5)
Thur	
Fri	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in
Sat	the column on the left, please list. (please read guidance note 6)
Sun	

[BOX J] SUPPLY OF ALCOHOL Standard days and timings (please read guidance note 7)		OHOL	Will the sale of alcohol be for consumption on or off the premises or both – Please Tick or insert "YES" in the relevant box	On	
		d timings		Off	
Day	Start	Finish	(please read guidance note 8)	Both	J
Mon	0900	2300	State any seasonal variations for the supply of alcohol (please read		please read
Tue	0900	2300	guidance note 5)		
Wed	0900	2300	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. (please read guidance note 6) None		
Thur	0900	2300			
Fri	0900	2300			
Sat	0900	2300			
Sun	0900	2300			

as the – (DPS) Designated I	of the Individual whom you wish to specify on your licence Premises Supervisor. (Please see declaration about the hecklist at the end of the form): Personal Licence Holder)
Delete as appropriate: Mr.	
Surname	
Forenames	

Are you over 18	Date of B DD/MM/Y	55-75-5-21
Place of Birth		
CURRENT ADDRESS of Desi address	gnated Premises Supervis	or if different from premises
Post Town	Post Code	
Personal Licence Number of		
Issuing Licensing Authority,	if applicable	
[BOX K] Please highlight any	illary to the use of the pren	nises that may give rise to
concern in respect of childre	1 (Please Read Guidance N	lote 9)

OPEN TO	THE PUBLIC and timings	State any seasonal variation (please read guidance note 5)
Start	Finish	
0900	2330	
0900	2330	
0900	2330	Non-standard timings. Where you intend to use the premises to be open to the public at different times to those listed in the column
0900	2330	on the left, please list. (please read guidance note 6)
0900	2330	
0900	2330	
0900	2330	
	OPEN TO dard days se read g 7) Start 0900 0900 0900 0900	Start Finish 0900 2330 0900 2330 0900 2330 0900 2330 0900 2330 0900 2330 0900 2330

[BOX M] Please describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)

b) The prevention of crime and disorder

c) Public safety	والكالة والكالم الأوالية
d) The prevention of public nuisance	
e) The protection of children from harm	

C	HECKLIST:	Please Tick or insert "YES" in the boxes below to ind	licate agreement
•	I have made or enclo	sed payment of the fee	/
0	I have enclosed a pla	n of the premises	
•	I have sent copies of others where applica	this application to responsible authorities and ble	LA TO SEND
•	I have enclosed the c	onsent form completed by the individual I wish Premises Supervisor, if applicable	\
0	I understand that I m	ust now advertise my application	
•	I understand that if I application will be re	do not comply with the above requirements my jected	/
•	[Applicable to all ind partnership which is companies or limited documents demonst Kingdom or my shar	ividual applicants, including those in a not a limited liability partnership, but not I liability partnerships] I have included rating my entitlement to work in the United e code issued by the Home Office online right rvice (please read note 15).	N/A

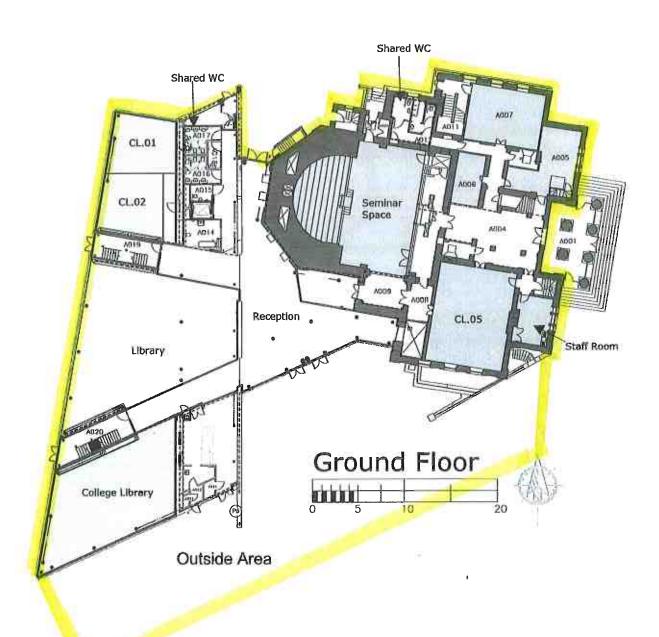
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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.

Signature of ap	oplicant or applicant's solicitor or other duly authorised agent. (See 12) If signing on behalf of the applicant please state in what capacity.
Declaration	[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
	 The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 45)
Signature	
Date	8/2/23
Capacity	
authorised age please state in	cations signature of 2nd applicant or 2nd applicant's solicitor or other ent. (please read guidance note 13) If signing on behalf of the applicant what capacity.
Signature	
Date	
Capacity	
Contact name associated wit	(where not previously given) and postal address for correspondence h this application (please read guidance note 14)
NPTC GROUP NEATH COLLE DWR Y FELIN F NEATH	
Post Town N	EATH PORT TALBOT Postcode SA107RF
TIPE STATE OF THE COLUMN TWO IS NOT THE	
Telephone n	ullibel



ANNEX B1



Area outlined in yellow to be licensed area

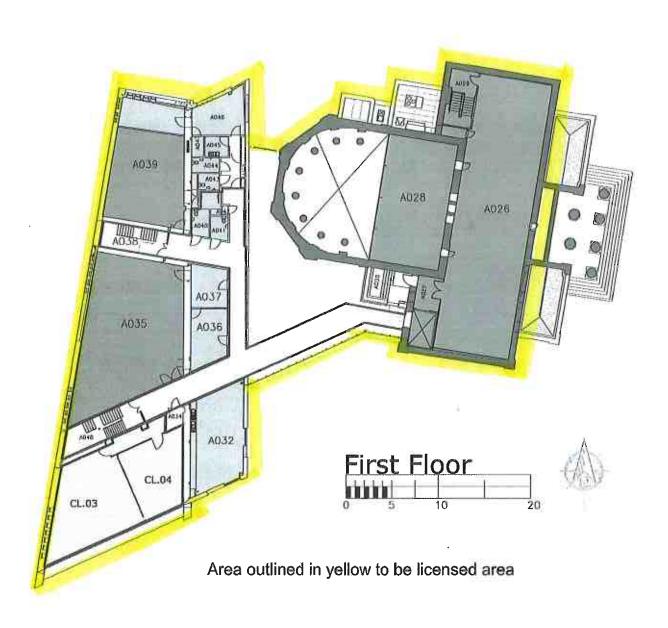
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NOTE:

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REVISIONS

Page 22



ANNEX C

Objector No 1

Public safety will be put at risk by the increased consumption of alcohol in such a public place as Y Gaer and the potential for public disorder will rise as a result of excess alcohol consumption . National statistics prove the link between alcohol consumption and the risk of disorder.

As a large number of young citizens will be receiving education and training at Y Gaer there will be increased opportunity for a variety of public nuisance offences to take place and young people, as well as other members of the public, could be at risk of harm.

If you would like me to visit your office for a face to face discussion on this topic please let me know. I have also been in contact with Cllr. Dorrance regarding this matter.

I hope that members of the public are free to express their genuine concerns over such an important matter and that you are now able to accept my reasons for objecting to this application.

Objector No2

With reference to the application for an alcohol license at the Gaer Library Brecon, I wish to submit an objection as follows:

>

> The Prevention of Public Nuisance;

the library is that a library- mixing alcohol in the equation does not encourage quiet, pensive time. I would go so far as to say that where many people especially students would require quiet study time it is not necessary to add alcohol which will inevitably cause a public nuisance on occasion

> The Protection of Children from harm

I would never agree that students need to be encouraged to partake in alcohol during their learning day. The age of admission to the college is 16 and most pursue a two year course. The majority are therefore underage to consume alcohol and do not need the temptation to mix alcohol within their learning environment If the argument is to encourage tourists to lunch there I believe it is not necessary or a suitable place- there are adequate other venues in town. Most tourists would be looking for food and if looking for alcohol would go into a dedicated pub before a library.

Objector No 3

With regard to your advice, I would be grateful if you would align my objections to each and all of the four categories listed.

- The Prevention of Crime & Disorder
- Public Safety
- The Prevention of Public Nuisance; and
- The Protection of Children from harm
- I would like to place on record an objection to this application, seen in the Brecon and Radnor Express (Dated 15.2.2023)

- Reasons:
- Not necessary
- Hours listed are far too wide
- Believe it is not wanted by Building users, particularly Library and Museum users like myself.
- Do not believe it is necessary for the small NPTC college part of the building.
- Catering training, etc. can be carried on without real alcohol.
- There is a very limited catering facility at y Gaer, not warranting a licence.
- If needed for functions, etc. an application could be made on an individual basis for specific times and dates.
- Students and workers should not be drinking during a working day.
- Toilet facilities very limited at y Gaer
- Staffing very limited at y Gaer
- Facilities limited at y Gaer
- Indoors and Out?
- would not support any drinking in the outside areas of y Gaer. (Rubbish, Noise, Behaviour issues, etc.)
- Consider a public consultation with full details of proposal should take place before such an application

Objector No4

I consider that the sale of alcohol from the café as detailed below would risk aggravating public nuisance from aggressive behaviour and littering in the gaer gardens and adjacent carpark. There is already a problem in the area of which the police are aware.

Objector No5

I should like to object to the proposed licence for the cafe at Y Gaer to be open from 9.00am until 23.00pm to sell alcohol and show films on the following grounds -

- 1. The selling of alcohol in a space adjacent to where small children are potentially reading and being read to. The said young children are likely to be in the Library at any time of the day that it is open, therefore exposed to alcohol.
- 2. The possibility of public nuisance being caused by young students from NYPT College drinking during the day and becoming rowdy in the Library where there are not only young children but also the elderly and infirm who constitute most of the Library's clients.
- 3. The possibility of disorder among said students if alcohol is available all day, every day.