

Licensing Sub-Committee

Meeting Venue
**Committee Room A - County Hall,
Llandrindod Wells, Powys**

Meeting Date
Monday, 21 January 2019

Meeting Time
2.30 pm

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



County Hall
Llandrindod Wells
Powys
LD1 5LG

16 January, 2019

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 2.00 p.m.**

1.	APPLICATION FOR 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 Principal Solicitor.
(Pages 3 - 6)

1.2. Application for a licence

To consider an application for a new licence from for the Old School, New Radnor.
(Pages 7 - 36)

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1.a

POWYS COUNTY COUNCIL

LICENSING ACT 2003

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

Introduction

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

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

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

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

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

PLEASE NOTE:

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

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1.b

CYNGOR SIR POWYS COUNTY COUNCIL

Licensing Sub-Committee

January 21st 2019 2.30pm

Committee Room A, County Hall Llandrindod Wells

REPORT BY: Senior Licensing Officer – Sue Jones

SUBJECT: Application for a New Premises Licence – The Old School, New Radnor

REPORT FOR: **DECISION**

1. APPLICATION

- 1.1 On 3rd December 2018, an application was received from Ruth Watson of Tregwynt, Mutton Dingle, New Radnor, Presteigne for a new premises licence for The Old School, School Lane, New Radnor, Presteigne, Powys, LD8 2SS.
- 1.2 A location map of the premises is set out at **Annex A**, and a copy of the application and a plan of the premises are reproduced at **Annex B**.
- 1.3 The Proposed Premises is an old school being used as a community amenity. It is run by a committee for ad hoc licensable events. The applicant has already run a number of licensable events from the premises authorised by Temporary Event Notices:
- 20/12/18 – 26/12/18 sale for alcohol daily between 11.00 hours and 23.00 hours for village social events
 - 30/12/18 – 05/01/19 sale of alcohol daily between 12.00 hours to 01.00 hours for village social events
- The licensing authority has not been made aware of any complaints in relation to these events.
- 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

**Sale of Alcohol 12.00 to 23.00 hours daily, New Year's Eve until 01.00hours
Entertainment including:
Live Music 15.00 to 23.00 hours daily
Recorded Music 10.00 to 23.00 hours daily
Showing of films 15.00 to 23.00 hours daily**

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

1.6 The conditions arising out of the operating schedule and offered by the applicant would be:

- A member of the organising committee will be present for the duration of any event authorised by this licence.
- The premises shall have a security alarm that is operational
- When the premises is not being used for events involving the sale or consumption of alcohol any stock of alcohol shall be secured in a locked cupboard
- There will be no sale of alcohol during school hours
- An age restricted sales policy, Challenge 21 will in operation and includes a refusals book.

2. REPRESENTATIONS

2.1 Responsible Authorities

- Police have responded with no objections
- Fire Authority have responded with no objections
- Trading Standards have responded with no objections
- Health and Safety have responded requesting conditions that have been agreed with by the applicant (**Annex C**)

2.2 Other Persons

Objections

Representations were received from a local resident raising concerns about

- Concerns about potential for drink driving of people attending events there
- Protection of children from harm given the close proximity to the Play Park and vehicle movements given the lack of parking outside the premises

A copy of the objection letter is produced at **Annex D**

2.3 Enquiries made with Dyfed Powys police of any offences of drink driving in the vicinity of this premises during the dates of the events above reveal that there were no arrests made for drink driving during this period that relate to The Old School, New Radnor. There was a call made by a resident on 4th Jan 2019 reporting that they believed two local residents whose vehicles were parked at The Old School House could possibly drive home later in the night. Officers did attend but neither of these vehicles moved all night

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 The options are to;

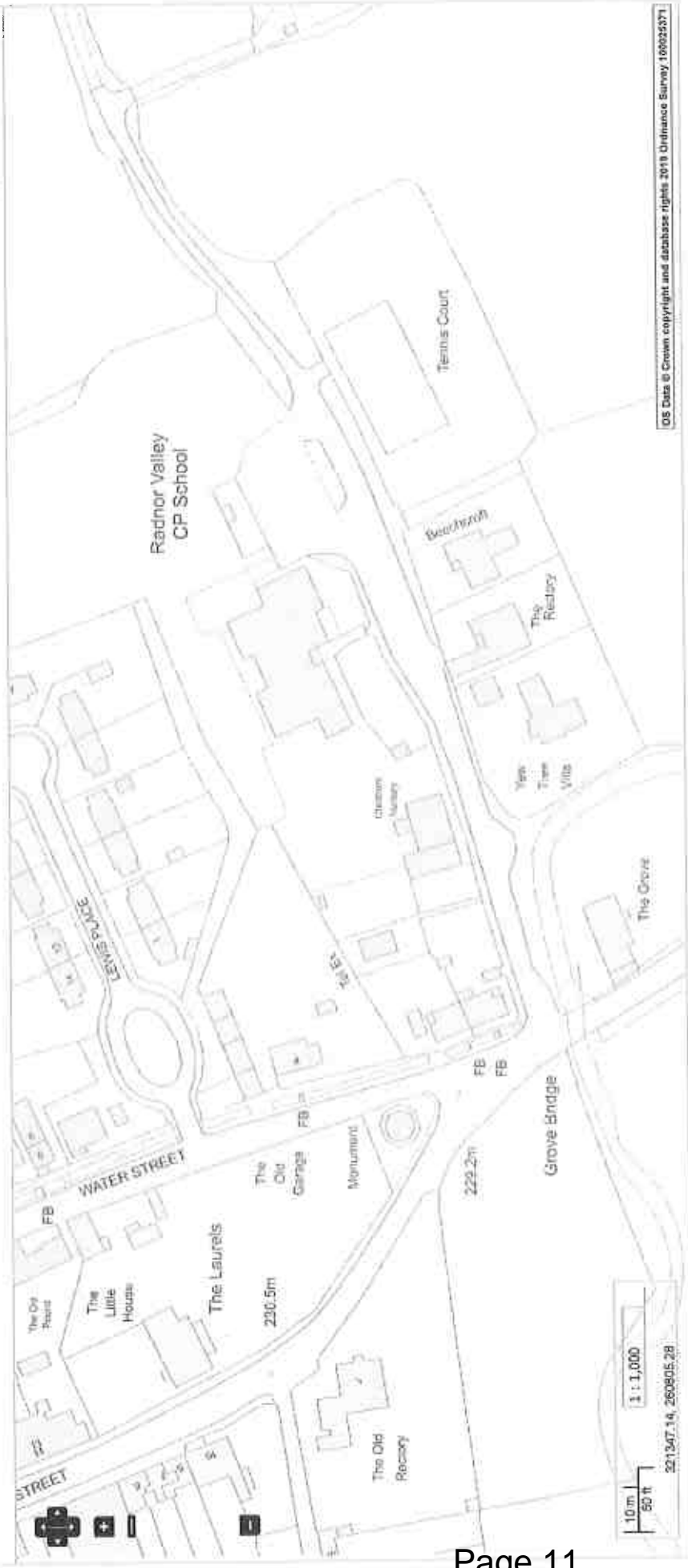
- a) grant the application for a licence as submitted by the applicant for the relevant licensable activities, conditions offered by the applicant and inclusion of mandatory conditions made under the Licensing Act 2003 or
- b) grant a licence with modified conditions; or
- c) reject the whole or part of the application.

4. DETERMINATION

4.1 The Licensing Sub-Committee is requested to determine the application and take steps appropriate to promote the Licensing Objectives.

Annex A

Logged in as POWYSCC\Susane





* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

Old School

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

Ruth

* Family name

Watson

* E-mail

ruthwatsonfood@gmail.com

Main telephone number

01544 350559

Include country code.

Other telephone number

07870752325

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

Are you:

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

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

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	Tregwynt
* Street	Mutton Dingle
District	New Radnor
* City or town	Presteigne
County or administrative area	Powys
* Postcode	LD8 2TL
* Country	United Kingdom

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name	The Old School
Street	School Lane
District	New Radnor
City or town	Presteigne
County or administrative area	Powys
Postcode	LD8 2SS
Country	United Kingdom

Further Details

Telephone number	-
Non-domestic rateable value of premises (£)	2,550

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="Tregwynt"/>
Street	<input type="text" value="Mutton Dingle"/>
District	<input type="text" value="New Radnor"/>
City or town	<input type="text" value="Presteigne"/>
County or administrative area	<input type="text" value="Powys"/>
Postcode	<input type="text" value="LD8 2TL"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text" value="ruthwatsonfood@gmail.com"/>
Telephone number	<input type="text" value="01544 350559"/>
Other telephone number	<input type="text" value="07870752325"/>
* Date of birth	<input type="text" value="17"/> / <input type="text" value="09"/> / <input type="text" value="1961"/> dd mm yyyy
* Nationality	<input type="text" value="British"/>

Documents that demonstrate entitlement to work in the UK

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

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

The Old School is a Victorian building currently being used as a Community Amenity. It has one large room plus a kitchen,

Continued from previous page...

toilets, showers and an outside area to the side. The whole is fenced.

The building will be used for community events, workshops, social evenings, educational and special interest groups, fundraising coffee mornings etc.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes No

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PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

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

Continued from previous page...

SATURDAY

Start 15:00

End 23:00

Start

End

SUNDAY

Start 15:00

End 23:00

Start

End

Will the exhibition of films take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

Occasional films shown by local film-makers.

State any seasonal variations for the exhibition of film

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

occasional

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

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

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Continued from previous page...

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors Outdoors Both

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

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

Small groups of acoustic or only lightly amplifies folk music and classical music with piano

Continued from previous page...

State any seasonal variations for the performance of live music

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

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

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors Outdoors Both

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

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

Quiet background music and music for dance or yoga classes etc.

State any seasonal variations for playing recorded music

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

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

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

Maybe longer on New Year's Eve

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PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

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

See guidance on regulated entertainment

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

Continued from previous page...

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Issuing licensing authority
(if known)

Powys

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

None.

See above for restrictions on sale of alcohol within school hours (the Old School is adjacent to the new school buildings)

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 09:00

End 23:00

Start

End

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

TUESDAY

Start 09:00

End 23:00

Start

End

WEDNESDAY

Start 09:00

End 23:00

Start

End

THURSDAY

Start 09:00

End 23:00

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

During school term time, sale of alcohol will only take place after 17.00 on weekdays.

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

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

Possibly later than 23:00 on New Year's Eve

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

The premises will be open only when there is an activity or social night arranged.

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

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

Possibly later on New Years Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

Members of the organising committee will be present to monitor the events, provide information, and exclude anyone whose behaviour is contrary to the objectives of the Community Amenity

b) The prevention of crime and disorder

An alarm system is in place and suitable locks on exterior doors.
Any alcoholic beverages left in the premises will be in secure locked cupboards.

c) Public safety

Continued from previous page...

There are fire extinguishers throughout the premises which are checked and serviced annually. Exits are clearly marked. The outside area is fenced and gated. The building is well maintained and does not pose a hazard.

d) The prevention of public nuisance

The type of activity held at the Old School is felt to be low risk from public nuisance. However, there will always be a responsible person overseeing attendance and dealing with offenders in a calm and diplomatic manner.

e) The protection of children from harm

We intend to operate a challenge 21 policy on purchase of alcohol by young people. Children must be accompanied by an adult at all times. Where an event is held specifically for children, it will be ensured that organisers will be fully DBS checked. There will be no sale of alcohol during school hours. A record of refusals to serve alcohol will be kept.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Address

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

DECLARATION

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

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

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

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

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

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/powys/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Continued from previous page...

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

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £125000 £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39999 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Ken Yorston
Interim Head of Property, Planning & Public
Protection
Pennaeth Dros Dro – Eiddo, Cynllunio a
Gwarchod y Cyhoedd

**Gwasanaeth Iechyd yr Amgylchedd/
Environmental Health Service**
Neuadd Brycheiniog
Ffordd Cambrian / Cambrian Way
Aberhonddu / Brecon
Powys LD3 7HR

Ms Ruth Watson
Tregwynt
Mutton Dingle
New Radnor
Presteigne
Powys
LD8 2TL

Ffôn / Tel : 01597 827467
Ffacs / Fax : 01874 612323
E-bost / E-mail : rebecca.jones@powys.gov.uk
Eich cyf / Your ref : PI/101424
Ein cyf / Our ref : PP/EHB/RJ/SC
Dyddiad / Date : 10th December 2018
Os yn galw gofynnwch am /
If calling please ask for Rebecca Jones on 2259

Dear Ms Watson

RE : LICENSING ACT 2003

PREMISES: The Old School, School Lane, New Radnor, Presteigne, Powys, LD8 2SS

Thank you for the copy of your application received in respect of the above.

Having had the opportunity to look at the application **as it stands at present**, and with reference to my recent telephone conversation with Ms Watson, I would have no alternative but to object to the application for the following reasons:

There is insufficient information in your application to promote the Public Safety objective.

Suggested conditions which would resolve the objection would be to apply the following conditions in the interests of public safety:

30 milliamp residual current device protection will be provided to electrical sockets used for public entertainment equipment. Portable residual current devices are not acceptable as protection.

A satisfactory electrical installation report will be provided.
Inspection and testing of the electrical installation at the premises shall be carried out by an Approved Electrical Contractor (competent person) prior to the event. An approved contractor means a contractor approved by the National Inspection Council for Electrical Installation Contracting (NICEIC), the Electrical Contractors Association (ECA), National Association of Professional Installers and Testers (NAPIT), or other such contractor certified for such inspection and testing under the Electrotechnical Assessment Scheme.

The inspection and testing must cover the electrical installation in public areas of the premises. The Approved Contractor shall make a report or issue a compliance certificate that identifies (i) which parts of the installation have been inspected and tested, (ii) the results of the inspection and testing, (iii) any work necessary to ensure that the electrical installation is safe.

If at this stage you are prepared to comply with the above and have them incorporated within your application, then I would be grateful if you could confirm that this is the case in writing. (I have enclosed two copies of this letter. If you agree please sign and date one copy and return it to me at the above office).

If however, you feel the objections are unreasonable then the matter will automatically be heard by the Licensing Review Panel and you will be noticed of these arrangements by the Licensing Authority.

If you would like to discuss the matter further please do not hesitate to contact me.

Yours sincerely

Rebecca Jones
Health & Safety Officer

I/we the applicant RUTH WATSON (print name)
Agree to the additional conditions listed above being included as part of our premise licence.

Signed

Date: 2-1-19

All now completed

Please return this signed letter as soon as possible to:
Mrs Rebecca Jones
Health and Safety Officer
Powys County Council
Neuadd Brycheiniog
Cambrian Way
Brecon
Powys
LD3 7HR

1st January 2019

Email: licensing@powys.gov.uk

Licensing Department
Powys County Council
Llandrindod Wells

Tom Underhill
Debbie Bradford
Beechcroft
School Lane
New Radnor
Presteigne
Powys
LD8 2SS

Dear Sirs

RE:

Applicant:

Ruth Watson, Tregwynt, Mutton Dingle, New Radnor, Presteigne, LD8 2TL

Premises:

The Old School, School Lane, New Radnor, Presteigne, LD8 2SS

Activities:

- **Sale of alcohol**, 12noon - 11pm (Mon-Sun)
- **Regulated entertainment - Showing of films**, 3pm - 11pm (Mon - Sun)

I am writing to strongly object to the above license application under the 2003 Act – The Protection of Children from Harm.

The Old School, New Radnor have applied for an alcohol license 12 noon – 11pm Mon – Sun which the majority of their opening times/licensing times clashing with School Hours and the children also using the New Radnor Play Park in School Lane.

New Radnor, along with a number of other areas, have ongoing issues with Drink drivers. This is something that does go on and due to lack of police presence goes undetected. The premises has already been used over the Christmas break, under the TENS License and I am concerned drink driving from the premises has already taken place. The turning circle for vehicles down School Lane brings them directly outside the school entrance and the Play park of New Radnor. Having a venue with an Alcohol license adjacent to a Primary School puts significant risk to the children and therefore is relevant to one of the most important licensing objectives set out at the beginning of the 2003 Act:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.6 protection of Children.

I will also be in discussion with the relevant department as already over the short period of time The Old School has already held events, we have seen people/vehicles attending the Old School events creating issues with parking. The Primary School has clear NO PARKING yellow lines which were put in place by Powys Council due to a child's near miss with a car, again due to vehicles parked

directly outside the School. These no parking lines are repeatedly ignored within and outside of School hours, still causing significant risk to the protection of Children. If and when the license is granted this will only increase the problems further.

I would appreciate your comments regarding this matter and ask that the Alcohol license is refused or the licensing hours significantly reviewed.

Regards,

T Underhill
D Bradford
Tel: /