

## Licensing Sub-Committee

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Meeting Venue  
**Council Chamber, County Hall -  
County Hall**

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Meeting Date  
**Friday, 1 November 2019**

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Meeting Time  
**10.30 am**

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



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

23 October, 2019

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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.

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### AGENDA

**The Sub-Committee Members are required to attend a private Briefing meeting  
at 10.00 a.m.**

<b>1.</b>	<b>APPLICATION FOR PREMISES LICENCE</b>
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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 new premises licence**

To consider an application for a new premises licence from The Od Stable Block, Smith field Road, Builth Wells.  
(Pages 7 - 40)

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# 1.a

## POWYS COUNTY COUNCIL

### LICENSING ACT 2003 (Review)

**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) calling for the Review 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, License holder 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 also 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 and License holder may also ask relevant questions of those parties making representations.
10. The Chairman will then invite the License holder to address the Sub Committee. The Sub Committee may ask relevant questions of the License Holder through their Legal Adviser. The applicant or his/her representative and those parties also making representations may also ask relevant questions of the License holder.
11. The Chairman will invite all parties to briefly summarise their points if they wish.
12. 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.
13. 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.
14. 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

**REPORT BY:** Sue Jones, Senior Licensing Officer

**SUBJECT:** Application For a New Premises Licence – The Old Stables,  
Smithfield, Builth Wells

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**REPORT FOR:** DECISION

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#### 1. APPLICATION

- 1.1 On 6<sup>th</sup> September, an application for a Premises Licence was received from Mr David Owens for The Od Stable Block, Smith field Road, Builth Wells
- 1.2 A copy of the application and a plan of the premises are reproduced at **Annex B**. A view of the street showing the location is shown at **Annex C**
- 1.3 It is proposed that the premises will operate as a gin bar and bistro catering for over 25's
- 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 11.30 to 23.30 daily**  
**Live music 21.00 to 23.30 on Fridays and Saturdays**
- 1.6 In accordance with the application the following conditions will be attached to any licence granted, as offered and agreed by the applicant:
  - **CCTV will be installed and working to the satisfaction of Dyfed-Powys Police. Footage will be kept for a minimum of 14 days. If the CCTV is found to be inoperative, the police and licensing authority will be notified within 24 hours and immediate steps will be taken to rectify the problem.**
  - **Any windows in the licensable areas of the premises will be double glazed**
  - **After 19.00 hours only persons over the age of 25 will be permitted**
  - **Children under the age of 18 will only be permitted on a Sunday before 19.00 accompanied by an adult for the purposes of partaking of a meal.**

In addition mandatory conditions made under Section 19, Licensing Act 2003 (Supply of Alcohol) will also apply (**Annex C**)

## 2. REPRESENTATIONS

### 2.1 Responsible Authorities

The following responses were received:

**Fire Authority - will comment on planning when change of use is applied for**  
**Planning – planning permission will be required for change of use**  
**Police – no objections**

### 2.2 Other Persons

#### Objections

Five letters from local residents have been received objecting to the application they are all concerned that the licence, if granted, would impact on the levels of noise on this otherwise residential area, in addition safety concerns have been raised about the limited parking, potential for increased accidents and the effect that that may have on the safety of residents and children living in the vicinity. Copies of the letters are attached at **Annex D**.

## 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

They must also have regard to the Council's Licensing Policy, relevant extracts from the policy state:

### **LICENSING HOURS**

***When determining individual licence applications for premises the licensing hours will be decided having regard to the individual merits of each application. The presumption will be to grant the hours as requested unless there are objections to those hours raised by responsible authorities or other persons on the basis of the licensing objectives. However as a guide to applicants the Responsible Authorities are less likely to object to applications with the following closing times:***

- ***Pubs & Bars 11pm Sunday to Thursday / Midnight Friday & Saturday***

.....

***These hours are not pre-determined and each application will be considered on its own merits. For applications within the above hours there is no presumption***



***that the application will be automatically granted in cases where relevant representations have been made***

***The licensing authority will closely examine the hours of business for premises that are situated in predominantly residential areas and will impose strict conditions relating to noise control where representations are received, and it is considered necessary.***

## **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***

***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 in their own right.***

***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.***

3.3 The options are to;

- a) grant the application as submitted by the applicant without modification,
- 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 taking such steps as are considered appropriate to promote the licensing objectives.

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**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**  
The Licensing Officer

RADNORSHIRE  
06 SEP 2019  
LICENSING SERVICE

Council Offices Neuadd Brycheiniog Cambrian Way Brecon Powys LD3 7HR	Council Offices Y Gwalia Ithon Road Llandrindod Wells Powys LD1 6AA	Council Offices Neuadd Maldwyn Severn Road Welshpool Powys SY21 7AS
Contact: 0845 602 7037 and ask to speak to an Officer		

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

I/we M DAVID OWEN  
(Insert name of applicant / applicants)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

<b>Part 1 – Premises Details</b>			
Postal address of premises if any or if none ordnance survey map reference or description.			
The old stable block Smithfield Road			
Post town	Builth wells	Post code	LD2 3AN
Telephone number of premises (if any)		N/A	
£ Non-domestic rateable value of premises		£ ?	

<b>Part 2 - Applicant Details</b>		
<b>Please state whether you are applying for a premises licence as</b>	<b>Please Tick or insert "YES" in the relevant box</b>	<b>Next Step</b>
a). An individual or individuals.	<input checked="" type="checkbox"/>	Please complete Section (A)
b). A person other than an individual.		Please complete Section (B)
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		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)

<b>* If you are applying as a person described in (a) or (b) please confirm:</b>	
(Please state whether you are applying for a premises licence as)	Please tick <input checked="" type="checkbox"/>
I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or	Yes <input checked="" type="checkbox"/>
I am making this application pursuant to a Statutory function	Yes
A function discharged by virtue of Her Majesty's prerogative	Yes

A. DETAILS of INDIVIDUAL NOTICE GIVERS (fill in as applicable)					
Name					
Delete as appropriate: <del>Mr.</del> Mrs. Miss. Ms. Other title (for example, Rev)					
Surname		OWENS			
Forenames		DAVID			
Are you over 18	Yes <input checked="" type="checkbox"/>	No	Date of Birth DD/MM/YYYY	02/01/1956	
Place of Birth		W. Germany			
Nationality		British / Welsh			
CURRENT POSTAL ADDRESS if different from premises address					
35. Oaklands Bwlth Wells Powys					
Post Town		Bwlth Wells	Post Code		LD2 3ET
Contact Phone number in working hours			07751156595		
E-mail Address if any (optional)			dragonpropertyservice56@gmail.com		
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit "share code" provided to the applicant by the service (please see note 2 for information).					
Share Code					

DETAILS of SECOND INDIVIDUAL NOTICE GIVER (If Applicable)					
Name					
Delete as appropriate: Mr. Mrs. Miss. Ms. Other title (for example, Rev)					
Surname					
Forenames					
Are you over 18	Yes	No	Date of Birth DD/MM/YYYY		
Place of Birth					
Nationality					
CURRENT POSTAL ADDRESS if different from premises address					
Post Town				Post Code	
Contact Phone number in working hours					
E-mail Address if any (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit "share code" provided to the applicant by the service (please see note 2 for information).					
Share Code					

<b>B. OTHER APPLICANTS (fill in as applicable)</b>	
Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of partnership or joint venture (other than a body corporate), please give the name and address of each party concerned.	
Name	
Address	
Post Town	Post Code
Registered number (where applicable)	
Description of applicant (for example, partnership, company, unincorporated association etc.)	
Telephone number (if any)	
E-mail address (optional)	

<b>Part 3 Operating Schedule</b>	<b>Day</b>	<b>Month</b>	<b>Year</b>
When do you want the premises licence to start?			
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.	NA		
Please give a general description of premises (Please read guidance note 1)			
<p>The Premises is a council owned old stable block formally a Joiners shop</p> <p>We intend to renovate the property and convert to a Gin bar and bistro employing 2 bar staff, 1 cook and 1 cleaner</p>			

<b>What licensable activities do you intend to carry on from the premises?</b>
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<b>(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)</b>		
<b>Provision of regulated entertainment (please read guidance note 2)</b>	<b>Please tick ✓</b>	
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 ✓	NO
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 ✓
	<b>Please tick ✓</b>	
<b>Provision of late night refreshment (if ticking yes, fill in box I)</b>	YES	NO ✓
<b>Sale / Supply of alcohol (if ticking yes, fill in box J)</b>	YES ✓	NO

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

<b>[BOX A] PLAYS</b> Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both - Please Tick or insert "YES" in the relevant box. (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here (please read guidance note 4)</b>	Both	
Tue					
Wed			<b>State any seasonal variations for performing plays (please read guidance note 5)</b>		
Thur					
Fri			<b>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 6)</b>		
Sat					
Sun					

<b>[BOX B] FILMS</b> Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – Please Tick or insert “YES” in the relevant box. (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for the exhibition of films (please read guidance note 5)</b>		
Thur					
Fri			<b>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)</b>		
Sat					
Sun					

<b>[BOX C]</b> <b>INDOOR SPORTING EVENTS</b> Standard days and timings (please read guidance note 7)			<b>Please give further details here (please read guidance note 4)</b>		
Day	Start	Finish			
Mon					
Tue			<b>State any seasonal variations for indoor sporting events (please read guidance note 5)</b>		
Wed					
Thu			<b>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)</b>		
Fri					
Sat					
Sun					



[BOX D] BOXING OR WRESTLING ENTERTAINMENT Standard days and timings (please read guidance note 7)			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	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here (please read guidance note 4)</u>		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</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 6)</u>		
Sat					
Sun					

[BOX E] LIVE MUSIC Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – Please Tick or insert "YES" in the relevant box (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here (please read guidance note 4)</u>		
Tue			Single artists such as folk, Jazz Country Singers		
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 5)</u>		
Thur					
Fri	9pm	11.30pm	<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. (please read guidance note 6)</u>		
Sat	9pm	11.30pm			
Sun					

[BOX F] RECORDED MUSIC Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both - Please Tick or Insert "YES" in the relevant box (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue			<i>Back ground only please</i>		
Wed			<b>State any seasonal variations for playing recorded music (please read guidance note 5)</b>		
Thur	6:30 PM	12 PM			
Fri	"	"	<b>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 6)</b>		
Sat	"	"			
Sun	"	"			

*Background only please  
IGNORE*

[BOX G] PERFORMANCE OF DANCE Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both - Please Tick or Insert "YES" in the relevant box (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for the performance of dance (please read guidance note 5)</b>		
Thur					
Fri			<b>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. (please read guidance note 6)</b>		
Sat					
Sun					

<b>[BOX H] ANYTHING OF A SIMILAR DESCRIPTION TO THAT FALLING WITHIN (E), (F) or (G). Standard days and timings (please read guidance note 7)</b>			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Will the entertainment be taking place indoors or outdoors or both – Please Tick or insert “YES” in the relevant box (please read guidance note 3)</b>	<b>Indoors</b>	
<b>Mon</b>				<b>Outdoors</b>	
				<b>Both</b>	
<b>Tue</b>			<b>Please give further details here (please read guidance note 4)</b>		
<b>Wed</b>					
<b>Thu</b>			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</b>		
<b>Fri</b>					
<b>Sat</b>			<b>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. (please read guidance note 6)</b>		
<b>Sun</b>					

<b>[BOX I] LATE NIGHT REFRESHMENT Standard days and timings (please read guidance note 7)</b>			<b>Will the provision of late night refreshment take place indoors or outdoors or both –Please Tick or insert “YES” in the relevant box (please read guidance note 3)</b>	<b>Indoors</b>	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Outdoors</b>	
				<b>Both</b>	<input checked="" type="checkbox"/>
<b>Mon</b>			<b>Please give further details here (please read guidance note 4)</b>		
<b>Tue</b>					
<b>Wed</b>			<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</b>		
<b>Thur</b>	7.30pm	10.30			
<b>Fri</b>	"	"	<b>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 6)</b>		
<b>Sat</b>	"	"			
<b>Sun</b>	11.30am	3.00pm			

*not applicable  
23:00  
1am onwards*

<b>[BOX J]</b>	<b>Will the sale of alcohol be for consumption on</b>	<b>On</b>	
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SUPPLY OF ALCOHOL Standard days and timings <small>(please read guidance note 7)</small>			or off the premises or both – Please Tick or insert "YES" in the relevant box <small>(please read guidance note 8)</small>	Off	
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	11.30am	11.30pm	<b>State any seasonal variations for the supply of alcohol (please read guidance note 5)</b> We only intend to open Premis on Thurs, Fri, Sat evenings and Sunday Lunch time  <b>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)</b> But will require to open bar on important days such as Show week ect.		
Tue	"	"			
Wed	"	"			
Thur	"	"			
Fri	"	"			
Sat	"	"			
Sun	"	"			

State the Name and Details of the Individual whom you wish to specify on your licence as the – (DPS) Designated Premises Supervisor. (Please see declaration about the entitlement to work in the checklist at the end of the form):  
(A DPS is required to be a Personal Licence Holder)

Delete as appropriate:  Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname: OWENS  
Forenames: DAVID

Are you over 18: Yes  No  Date of Birth DD/MM/YYYY: 02/01/1956

Place of Birth: W. Germany British

CURRENT ADDRESS of Designated Premises Supervisor if different from premises address:  
35 Oaklands Buth Wells Powys  
former licensee of Lion Hotel

Post Town: Buth Wells Post Code: LD2 3ET

Personal Licence Number of DPS (if any): Licence out of date

Issuing Licensing Authority, if applicable: Powys

[BOX 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 9)

<b>[BOX L] HOURS PREMISES ARE OPEN TO THE PUBLIC</b> Standard days and timings (please read guidance note 7)			<b>State any seasonal variation (please read guidance note 5)</b>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	11.30 am	12.00 pm	<p style="text-align: center;">?</p> <hr/> <p><b>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 on the left, please list. (please read guidance note 6)</b></p> <p style="text-align: center;">New years Eve</p>
Tue			
Wed			
Thu			
Fri			
Sat			
Sun			

<b>[BOX M] Please describe the steps you intend to take to promote the four licensing objectives:</b>	
<b>a) General – all four licensing objectives (b,c,d,e) (please read guidance note 10)</b>	
	X
<b>b) The prevention of crime and disorder</b>	
CCTV	X
<b>c) Public safety</b>	
	X
<b>d) The prevention of public nuisance</b>	
Double glazing	X

e) The protection of children from harm

We only intend to admit over 25 years old in the evenings and children with Parents Sunday Lunch x

CHECKLIST: Please Tick or insert "YES" in the boxes below to indicate agreement	
• I have made or enclosed payment of the fee	£100
• I have enclosed a plan of the premises	✓
• I have sent copies of this application to responsible authorities and others where applicable	✓
• I have enclosed the consent form completed by the individual I wish to be the Designated Premises Supervisor, if applicable	✓
• I understand that I must now advertise my application	✓
• I understand that if I do not comply with the above requirements my application will be rejected	✓
• [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	✓

**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.**

**Part 4 – Signatures (please read guidance note 11)**

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 12) If signing on behalf of the applicant please state in what capacity.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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 licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
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<b>Signature</b>	
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<b>Date</b>	5 <sup>th</sup> sept 2019
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<b>Capacity</b>	applicant
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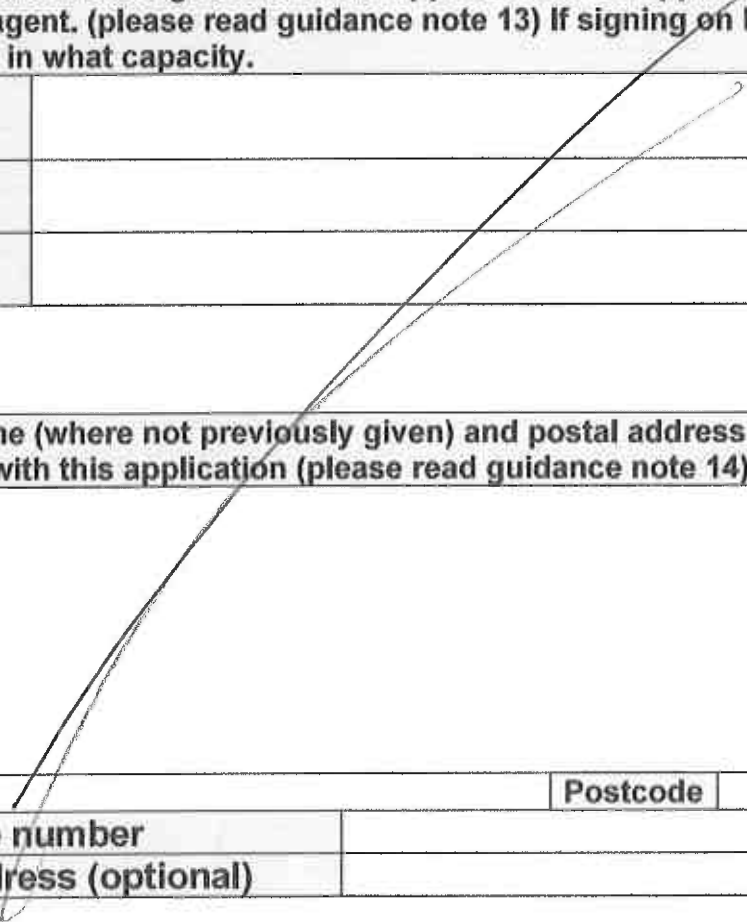
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 13) If signing on behalf of the applicant please state in what capacity.

<b>Signature</b>	
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<b>Date</b>	
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<b>Capacity</b>	
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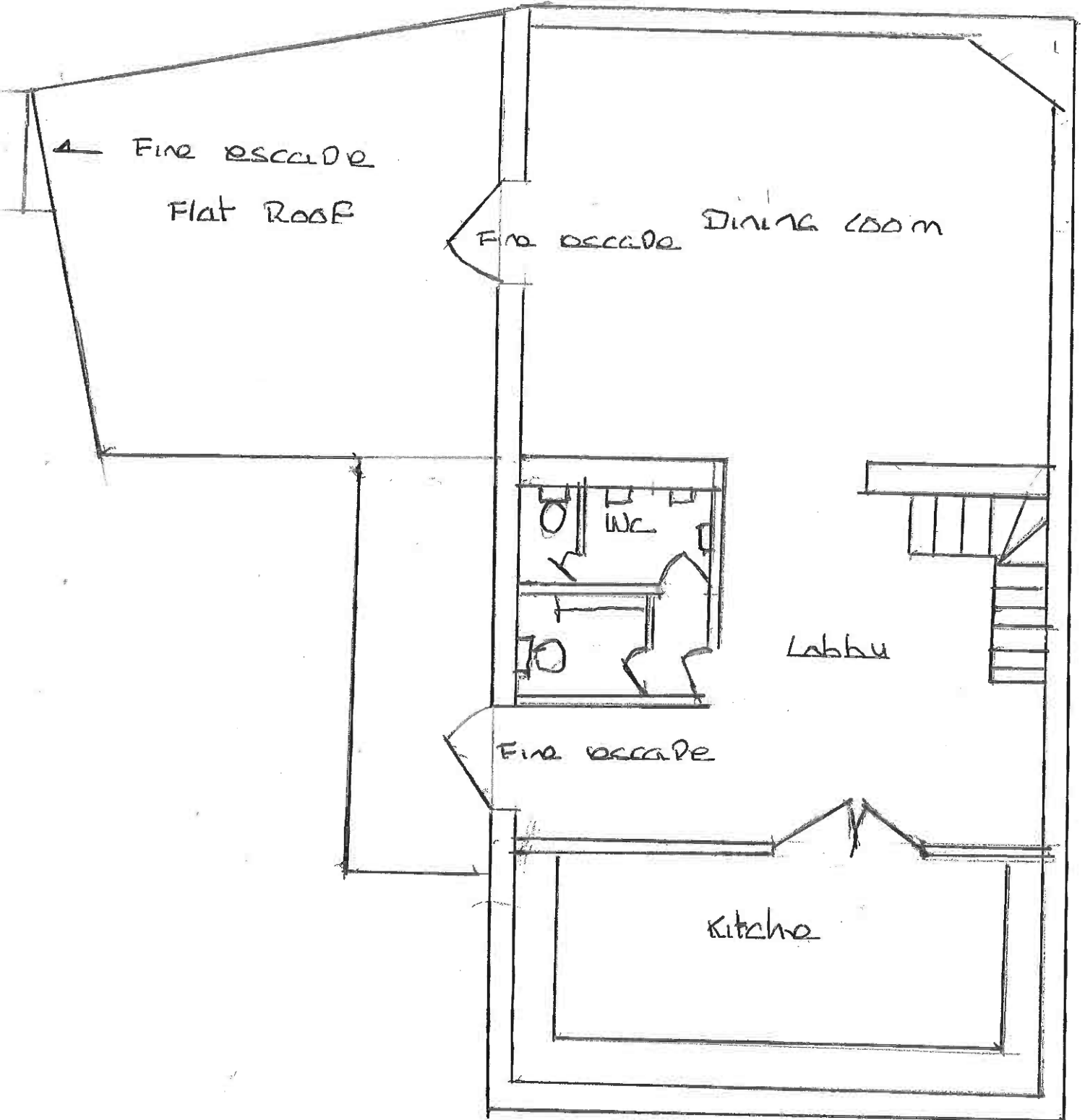
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)



<b>Post Town</b>		<b>Postcode</b>	
<b>Telephone number</b>			
<b>E-mail address (optional)</b>			

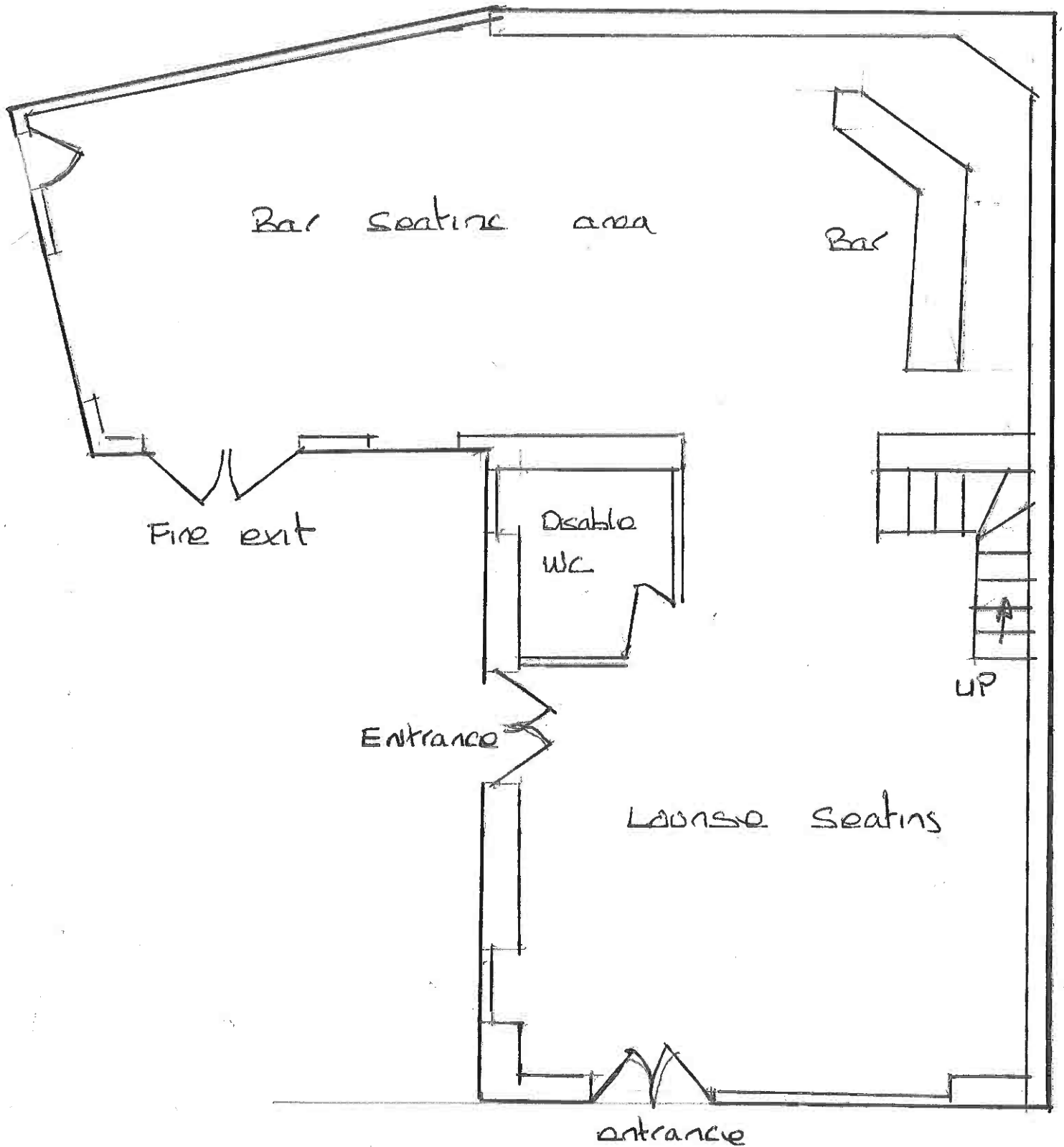
Proposed 1<sup>st</sup> Floor Layout  
Old Stable block Smithfield Road

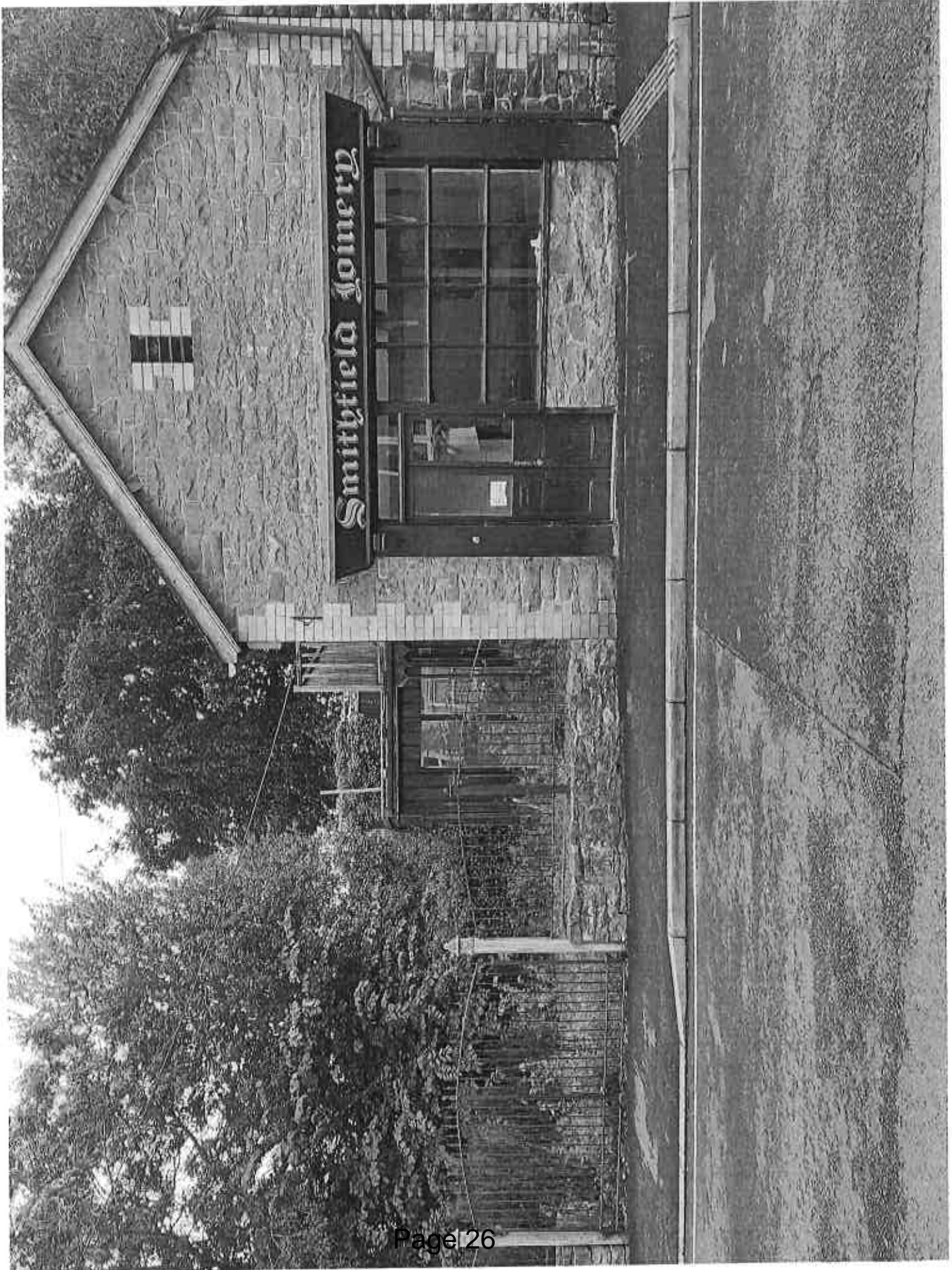
Approx Scale 1 cm = 1 m





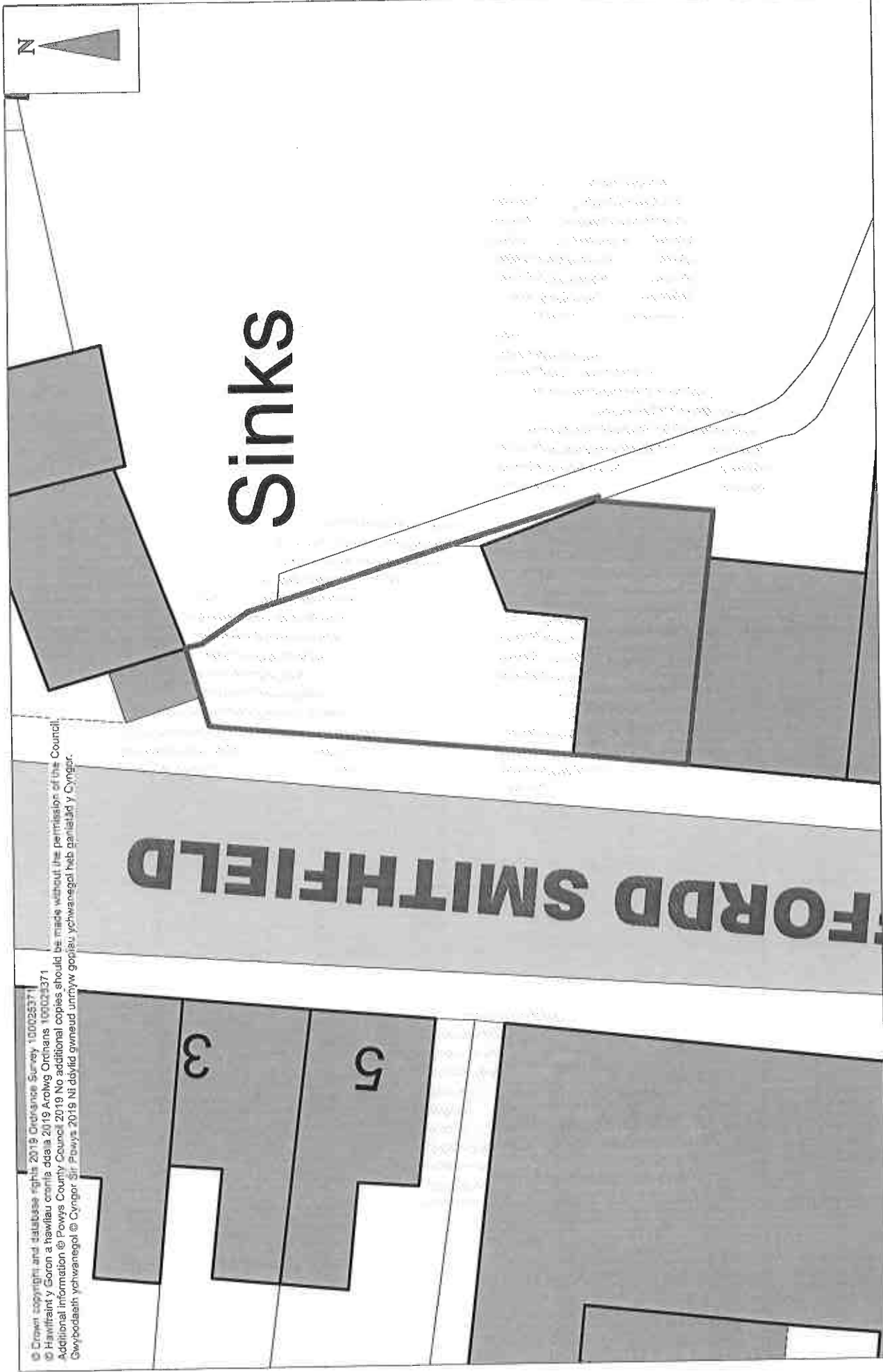
Proposed ground Floor layout  
old stable block Smithfield Road  
Approx scale 20cm = 1m











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 Gwybodaeth ychwanegol @ Cyngor Sir Powys 2019. Ni ddylid gwneud unrhyw gopïau ychwanegol heb ganiatâd y Cyngor.

SINKS

FORDD SMITHFIELD

**Former Stable Block, Smithfield Road, Builth Wells LD2 3AN**  
**303975/250884**

**Cyngor Sir Powys** County Council

Printed by:jermani Date: 03/09/2019

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Image capture: Sep 2016 © 2019 Google

Builth Wells, Wales

Google

Street View - Sep 2016



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### **Mandatory conditions where licence authorises supply of alcohol (A)**

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that 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
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

### **Mandatory Conditions for on sales of alcohol (B)**

1. (1) The responsible person must 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—

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) 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 either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must 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;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

**Mandatory conditions cost of alcohol (C)**

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.

(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. is present and able to prevent a supply of alcohol (in relation to premises in respect of which there is a club premises certificate). Paragraph 3 provides that the permitted price is rounded up to the nearest penny. Paragraph 4 provides that a change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

**Susan Jones**

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**From:**  
**Sent:** 08 October 2019 09:50  
**To:** Licensing  
**Subject:** The Old Stables, Smithfield Road, Builth wells, LD2 3AN

Good Morning,

My husband and I wish to lodge our objection against the licensing application made by Mr. David Owens at the property known as The Old Stables, Smithfield Road, Builth Wells. We live at No 9 Smithfield Road, Builth Wells.

This is very hard for us as we are extremely fond of David and consider him a great family friend, but I am sure that David will understand and would do the same if the situation was reversed. The thought of an eatery, serving alcohol and staging live entertainment on the quiet residential road we live on, fills us with dread and sadly forces us to lodge this objection. Our objections to the proposed license are on the following grounds. Prevention of public nuisance and public safety.

#### Prevention of public nuisance

By chance, we currently have noise monitoring equipment placed in our front living room by the environment agency. I am sure that the recordings done over the past few weeks will show how quiet the road is, particularly in the evening and on weekends. If this license was granted, then we would be living on a different road. There would inevitably be a nuisance with increased traffic and footfall along the road with people attending the venue, parking their cars, opening, and closing car doors, laughing, talking etc, through no fault of theirs as this is what you would expect people to do on a night out. The nuisance would then be heightened by live entertainment on the weekend. We would be exposed and subjected to noise and disturbance from The Old Stables, which is approximately 20 meters from our home, and as such we are extremely upset, concerned and scared that our quality of life would be severely affected. It is so upsetting to think that the place where we live and love living, our home for 28 years, could be so significantly and detrimentally changed for us. We live here because it is quiet if we wanted to live in the hustle and bustle of cafes and places of entertainment we would live on the high street. There are a number of young children living in the houses opposite the Old Stables, I can not imagine how they or their parents would be able to cope. There has never been or is there currently any other bar or areas of entertainment along Smithfield Road. At the end of the day, Smithfield Road is simply a quiet residential road.

We are subjected to periodic noise nuisance when the rugby club holds events. The Rugby club is approx 150mts from our property, and music can be heard clearly, although muted because of the distance. However, these events are very, very few and far between and just about bearable when they are held. If the rugby club were to hold more regular events we would be certainly be lodging a complaint.

#### Public safety

Parking along Smithfield Road is sparse and restricted in areas. The road gets congested during the day, with people that live on the road as well as people that work in the town using available spaces. Previously there has been concern raised about restricted access for emergency vehicles where Smithfield Road meets Western Grove. The inevitable parking of additional cars would greatly add to this concern and be an extremely worrying safety issue. Very often cars are parked on the single yellow lines at weekends, especially during the rugby season, despite the fact that there is a suitable car park in the market. Very often there are accidents as vehicles exit the market. We have no doubt that people visiting The Old Stables will try and park along Smithfield Road rather than use the market car park. We have lived here for 28 years and can tell you that people don't want to walk any distance and will risk a parking ticket rather than use the car park, of course during the evening there are no parking attendants, but cars parked on the single yellow lines greatly increase the risk of accidents as they reduce visibility up and down the road for both pedestrians and vehicles.

yours sincerely

RADNORSHIRE

- 7 OCT 2019

LICENSING SERVICE

Hth 00 11

Dear Sir / Madam,

I am most surprised, that you may be considering granting a drink & music licence for the old stable block on Southfield Road.

It is largely, if not solely, a residential area & the thought of noisy drinks & loud music must be a horn in for most of the local residents.

Your Licensing Authority must surely in all common sense refuse this application - there are enough pubs in Bruth already - it will increase the workload of the guys who do the clearing up the morning after also.

Yours sincerely,

*not plan as Cath James was*

*1.10.19*

*2.10.19  
10.20.19*



22<sup>nd</sup> September 2019

Dear Sir/Madam

I am writing to register our objection to the application for a premises licence by The Old Stable Block, Smithfield Road, Builth Wells Powys LD2 3AN. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of public nuisance and public safety.

Smithfield Road is a quiet residential street with some businesses premises such as an antiques centre in the old church, a builder's yard that has little usage, the property in question and a livestock auction market. None of these businesses are in the hospitality sector and so none of them operate late afternoon or evening hours so these are not a source of noise nuisance. The proposed licence is for live music on Friday and Saturday evenings from 21:00 until 23:30. Residents in this area would suffer from increased noise levels due to live music on a Friday and Saturday evenings, which are times when young families and children would be sleeping.

The closest business to us that is open late is the Kebab 2000 shop (which is on the end of the High Street, quite a bit of a distance from us) so customers of the proposed premises are likely to create noise and disturbance as they go from the new premises into town. The potential level of disturbance is likely to be significantly increased in this street, which would otherwise be quiet outside of usual, normal business hours. Another point to mention is that smoking is not permitted inside public spaces and so all of the pubs in town have got 'smoking shelters' of some kind that are outside, people who have been drinking go outside to smoke and carry on talking so the level of noise nuisance is exacerbated because of that. So therefore this proposed premises has an outside area which is the most likely place for a smoking shelter will create noise directly opposite a row of residential properties including ours. The level of intrusion will be unacceptable in a location such as this.

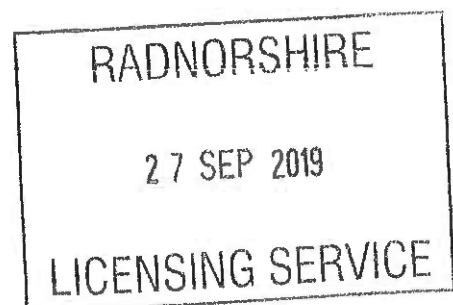
Recently the Welsh Government introduced new legislation that requires property developers take account of existing entertainment venues when considering planning applications for new residential developments in the same area. The purpose of this legislation is to ensure that new properties are correctly and effectively soundproofed against noise from existing premises, which seems to be reasonable approach. It would seem to also be reasonable that the same principle should be applied to new entertainment venues to ensure that they are effectively sound proofed. We would argue that the nature of the buildings in Smithfield Road is unsuitable for conversion

to an entertainment venue. We think this should also be taken into account in this licensing application.

There would be increased traffic should there be an entertainment facility across from our property. Traffic on a no through road would be restricted and should cars need to turn round they would be turning around in the market entrance or up the top into Western Grove, which is a residential site, this will be a public risk, including children. Plus licensed premises are serviced by beer deliveries so we will have the brewery lorries in the street collecting and delivering kegs which is not a quiet activity and that will be during the day but would this have an impact on the market days with extra traffic in a narrow street? Also, licensed premises have a significant amount of bottle waste so putting those out at closing time and the subsequent collections are going to create further instances of noise nuisance.

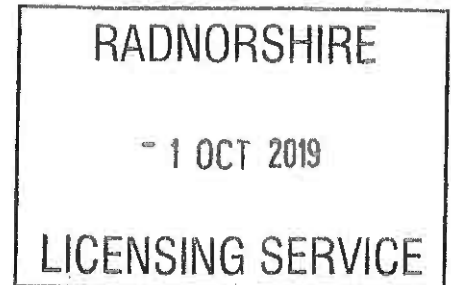
In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully



Licensing Officer  
Powys County Council  
Ithon Road  
LD1 6AA

29th September 2019



Dear Sir

With reference to licence applications for The Old Stable Block Smithfield Road LD2 3AN.  
I object to the property having an alcohol and music license on the following grounds:

Noise levels will keep us awake as the property is roughly 25 yards from our living room. We have young children living in our house half of the week.

We live five doors away from the rugby club and the noise level on special evenings when they get a music license is impossible to sleep through, this will be much worse and it will be every weekend. Builth Wells is already well served by licensed premises.

The children play in our garden most weekends. The drinking and smoking area will be just behind the wall in our garden and that will mean the children will be exposed to rowdy and possibly rude conversations. Smoke will definitely drift across.

There is no pavement for a quarter of the road leading up to the old Stable Block from West Street which means that there is a risk to pedestrians using the premises. West Street, the street which gives access to the premises, and from my observation the speed limits on the street are regularly exceeded.

Yours sincerely

REF

The old Stable Block  
Smithfield road  
bwlth wells  
LD23AW

GLADNORSHIRE

- 7 OCT 2019

LICENSING SERVICE

I am writing to register my objections to the above property opening up as a pub. Smithfield rd is a residential area. people. Just across the road work some have to get up between 4am & 6am to go to work it will disturb there resting hours, if you grant a licence there are plenty of pubs & hotels in builtw wells we dont need more. I work nights. and dont want to be disturbed during the day when I sleep. We all need rest after a busy shift, not only that people make a lot of noise after leaving a pub. we put up with the royal welsh show and the loud music but please consider the health & well being of people who live across the road from the Stables. Some of who have children. this letter is not in any way personal. to the man me Owen who has applied for a licence, its just not the area for a pub.

yours.

Sincerely