

# **ANNEX E**

## **List Of Objectors**

1. **Phil Owen & Diana Barlow**, High Street residents, Welshpool  
(joint written objection)
2. **Derek Painter**, Treasurer of Welshpool Methodist Church, High  
Street, Welshpool
3. **Anthony P Harvey**, High Street Resident, Welshpool

### **Additional Written Representations**

1. **Alison Davies**, on behalf of Welshpool Town Council (Mayor)



**Application to vary a premises licence under Licensing Act 2003 by 1898 Group Ltd (formerly Signatures) dated 21 June 2021.**

**Representations of Mr Philip Owen and Ms Diana Barlow - both of ~~1898~~ High Street Welshpool SY21 7JP (nearby residents likely to be affected by the application) – dated 17 July 2021.**

**THE LOCATION & DEMOGRAPHIC**

The applicant's premises, 37/38 High Street, is a Grade II listed late Georgian building. It is situated in a part of the town where the predominance of commercial High Street premises give way to residential properties. Walking west from the premises you immediately enter an area where the vast majority of the buildings are residential or are part residential and part commercial. The demographic is mixed. There are owner/occupiers who are young families with children, couples of working age, or retired and elderly persons and there are also several rented flats mostly occupied by persons employed in trades and industries in the town. The last available census of the High Street and its immediate vicinity (including Jehu Road) recorded 122 separate dwellings housing 307 occupants. [see Appendix 1. Source: Office of National Statistics].

**Recent changes since the granting of the original licence.**

**1. Residents:**

The above figures are extracted from the records of the Office of National Statistics (ONS). The last publicly searchable statistics for High Street, Welshpool (or post code SY21 7JU) are drawn from the 2011 census. The results from 2021 are not yet available but we believe they will show an increase in the number of residential properties and occupants. In particular, we are aware of three new homes to the rear of 12 High Street, a development of flats at the west end of the High Street/Mount Street and the conversion to residential premises of the former 'Mermaid' public house. In addition, several new flats have been let above some commercial premises, such as 'Serendipity' (34 High Street) and 'Lotties' (11 High Street). Consequently, we estimate the number of persons resident in the immediate area of the applicant's premises now to be in the region of 320 and possibly more.

**2. Road**

Since the granting of the original licence there have been significant changes to the road fronting the property. The main trunk road traffic has been diverted, the pavements have been widened restricting the width of the carriageway and parking areas have been restricted or removed altogether. This was done to restrict the amount of through traffic using Broad Street, High Street and Mount Street and to limit on-street car parking.

## **THE EXISTING LICENCE**

The existing licence was granted in 2006 to the proprietors of 'Churchills' (later 'Signatures'). That business operated for only a few years before closing and the property has stood empty ever since. The business was very different in nature to that proposed by the applicant. It was essentially a wine bar on the ground floor with a small area for dancing and music situated on the first floor of the property, referred to by the existing licence as a "function room". Local knowledge indicates that the wine bar was light and airy, relatively pleasant and well used but that the small dance floor in the function room upstairs was less frequented. The licensing conditions treated the ground floor operations as being separate and distinct from activities on the first floor. This distinction was applied both in relation to permitted hours and permitted activities.

The existing licence, although permissive of entertainment on both floors, imposes a condition that limits actual operation to an "either/or" permission, so at no time was the operator permitted to provide music and dancing on both floors of the premises simultaneously. Furthermore, the existing licence restricts the permitted hours for entertainment on the ground floor to 00:00 (midnight) on all days of the week and imposes a specific condition prohibiting amplified music on the ground floor after 00:00 (midnight). We submit that these restrictions were imposed for good and obvious reasons, which we shall address below. On Sundays, the existing licence does not permit consumption of alcohol on the first floor (night club area) and only before 00.00 on the ground floor (wine bar).

To summarise, the latest hour for entertainment on ground floor is currently 00:00 (midnight) on all days of the week (for maximum permitted numbers of 170); and on the first floor, 02:00 am Friday and Saturday and 00:00 (midnight) on all other days (for maximum permitted numbers of 100). The committee is now being asked to approve a significant extension of permitted hours for amplified music and dancing on both floors of the premises, we have no information as yet on any proposed increase in the permitted numbers.

**THE APPLICATION TO VARY AND OBJECTIONS** (please note our objections have been made on the basis of the information provided in/with the application – we are willing to meet and discuss our concerns with the applicant particularly if the applicant has additional information that might address some or all of the points below)

The applicant is seeking to remove the distinction between the permitted hours of operation on the ground and first floor. This appears to be because the applicant's business model is very different from that of its predecessor. The new business will operate purely as a night club and late-night drinking establishment. The redacted application we have seen is not very clear. Large parts of it are merely deletions of existing conditions with very scant information (if any) as to what is intended to replace them. We set out below what we understand to be the significant changes sought to the existing licence, together with our objections to them.

1. Application to vary the permitted hours for the supply of alcohol and the provision of regulated entertainment.

OBJECTION: We object to any extension of permitted hours which would allow for the playing of amplified music after 00.00 (midnight) on all nights of the week on the ground floor of the premises. Permitted hours on the first floor should be limited to 00.00 (midnight) on Sunday to Thursday (inclusive) and 02:00 on Fridays and Saturdays, consistent with the current licence. The permitted hours for the supply of alcohol should be consistent with those granted for regulated entertainment. The reason is to reduce the risk of unacceptable late-night noise and disturbance to nearby residential properties.

2. Removal of Condition that after 23.00 the side door only shall be used for entry and exit.

OBJECTION: This is an important condition that was made to protect local residents from noise and disturbance. We strongly suggest that this should be retained and that where possible persons should enter and exit the building after 23:00 hours using only the side passage at the north end, leading them to the rear of the building (the easiest direction to access the taxi rank at the visitor's centre and any car parks). The narrowing of the High Street at the front of the property will now restrict the ability for waiting cars and taxis to simply pull-up outside the premises and increase the risk of cars idling further up the High Street outside residential properties and the accumulation of persons waiting for taxis and lifts.

3. Removal of Condition on the control of the front door before 23:00 to ensure minimal opening.

OBJECTION: This, too, is an important condition designed to protect local residents. Use of the front door would increase the escape of noise and could also create noise and disturbance on the street by any people awaiting entrance or not immediately dispersing after they had left.

4. Request for the removal of the Condition for sound limiters on amplified music.

OBJECTION: The premises were built in 1820 and are Grade II listed. The single glazed Georgian sash windows and the front door are specifically mentioned in the CADW listing and, therefore, cannot be significantly altered. Consequently, the building is not one that can easily be made soundproof. The nearest residential houses are only yards away and many of them are also Grade II listed with similar restrictions. The neighbouring properties are therefore unable to take effective steps to safeguard against noise and disturbance. The bedrooms of these neighbouring properties are mostly facing the street and will be very sensitive to noise emanating from the applicant's premises or caused by persons entering and leaving late at night. If there is audible sound after 23.00, particularly the thudding of amplified bass, it will make it impossible to sleep and is likely to have a negative impact on the health and well-being of residents. The condition imposing noise limiters is an entirely reasonable and necessary one. It is effectively the only safeguard against amplified music that residents have.

5. Removal of Condition prohibiting amplified music on ground floor.

The existing licence was granted on the understanding that the ground floor of the building was to be used as a wine bar and that any amplified music was in the nature of "background music" only. Amplified music for the purpose of entertainment and dancing was limited to the first floor and the dancing area, which appears to have been at the rear of the building, furthest away from the residential properties in the High Street. The window and door areas of the ground floor are of greater size and more susceptible to the escape of noise. Moreover, activities on the ground floor will, it seems, not be restricted to the rear of the building and neither does there appear to be any enclosed inner lobby separating the front of the building from the areas where it is proposed that entertainment may take place. Consequently, without effective sound proofing, the risk of excessive noise is greatly increased. No information has been provided concerning any sound engineers appointed by the applicant or of any steps taken to implement the recommendations of the sound engineer's report (if there is one). It may be that the Environmental Health Officer has more information on this.

6. Removal of the Condition restricting public entertainment simultaneously upstairs and downstairs.

OBJECTION: This is a significant and major departure from the existing licence. We repeat the objections contained in paras 3 and 4 (above). Simultaneous musical entertainment on both floors will double both the level of noise and the areas of the building from which that noise can potentially escape.

7. Maximum Permitted Numbers

The existing licence provides for maximum permitted numbers of:

Ground Floor 170 First Floor 100

We understand the applicant will be seeking an increase in the permitted numbers but currently have no information on how many. Our objection assumes that a material increase will be sought by the applicant.

OBJECTION: The premises directly adjoin a predominantly residential area. The area is one that will be very sensitive to late night noise and disturbance. The applicant will have no control over persons after they have left the premises (and neither should they) but the greater the numbers entering and leaving, the greater the likelihood of noise, disturbance and public disorder. We would oppose any application to materially increase numbers beyond those currently permitted.

**OTHER CONSIDERATIONS.**

**Steps taken to promote licensing objectives.**

Under the Revised Guidance issued under section 182 of the Licensing Act 2003 (the Guidance), applicants are expected to demonstrate knowledge of the local area when describing the steps they propose to take to promote the licensing objectives.

They are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

Para. 8.42 of the guidance states that applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Para. 8.43 provides that applicants are expected to include positive proposals in their application on how they will manage any potential risks.

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective [8.44].

The applicant is, we understand, not local to the area but has previously managed clubs and drinking establishments in London. We are not aware of any steps taken by the applicant to promote the licensing objectives, and none are referred to in the redacted application. In particular, no steps appear to have been taken to consult with neighbours and local residents on the proposed activities. The fact that the applicant appears not to have taken these steps, might indicate a lack of concern about the potential effect on the neighbourhood, or possibly, that the applicant is not familiar with the local area or the steps expected of it, in promoting the licensing objectives.

### **Public nuisance and proportionality.**

As stated, the nature of the proposed operations to be carried out on the premises differs substantially from that carried out at the time the original licence was granted. This is effectively an entirely new proposal for a very different type of business operation. The Guidance makes provision at paras 2.15 – 2.21 and expressly states that any conditions appropriate to promote the prevention of public nuisance should be tailored to *the type, nature and characteristics of the specific premises and its licensable activities*. The area, being a mixed, but predominantly residential one, is highly susceptible to the types of public nuisance associated with premises and operations of the type proposed and, for those reasons, the application to remove the distinction made by the differing conditions imposed on the ground and first floor operations - and the removal of the restrictions on amplified music on the ground floor are opposed. It is submitted that the business model and the nature

of the applicant's proposed activities are entirely inappropriate to the locality in which the premises are situated.

The entire population of Welshpool is currently only 6,725 (source: ONS). The town already has one night club ('Molto' – less than half a mile from the applicant's premises) and several licenced premises. The Guidance provides that licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter. Any benefit that is perceived from having a second (two floor) night club in Welshpool is, given the small population and the size of the locality, clearly disproportionate to the negative impact on those who live and work in close proximity to the premises.

### **Crime.**

The town of Welshpool is one that has comparatively low levels of crime. The most recent statistics for crime occurring in the locality of High Street and within 0.05 of a mile from the applicant's premises were compiled from reported incidents in April 2021. This identifies 47 reported crimes in that month. [see Appendix 2]. The vast majority of crimes are attributed to antisocial behaviour, public order and violence and sexual assault. The majority of these reported crimes occurred in an area around the Cross, Berriew Street and Broad Street. It will be noted that this area contains the nightclub 'Molto' and several other licenced premises. In recent months there appears to have been an increase in some types of crime and antisocial behaviour. In particular, there have been several incidences of vandalism and damage to windows and buildings. There is real concern that lifting existing conditions and restrictions on the licence will lead to an increase in the types of crime and behaviour identified above and import similar incidents to those reported around Molto to the centre of a predominantly residential area.

### **Police presence.**

We understand that no additional police resources will be available. However, we submit that, due to the close proximity of residential houses and the sensitivity of the area, a police presence should be maintained at those times when persons leave the premises after midnight or at other times when there is a risk of noise disturbance, public disorder or damage to properties. If this cannot be funded from local rates then it is appropriate for the applicants to pay a levy to cover these costs.



## APPENDIX 1.



### Housing Types

This area contains a mixture of housing types, as detailed below. No single type of dwelling accounts for more than 50% of the dwellings. **Please note that the figures may include adjacent streets.**

#### Housing Types

Detached	21
Semi-Detached	17
Terraced	32
Flat (Purpose-Built)	36
Flat (Converted)	9
Residence in Commercial Building	36
<b>Total</b>	<b>151</b>

## Housing Tenure

The area containing High Street, Welshpool, Wales contains a mixture of types of tenure.

Owned Outright	29
Owned with Mortgage	23
Shared Ownership	1
Rented: From Council	1
Rented: Other Social <i>inc. charities and housing associations</i>	1
Rented: Private Landlord <i>inc. letting agents</i>	66
Rented: Other	1
Rent Free	0
<b>Total number of dwellings</b>	<b>122</b>

## Housing Occupancy

This data lists the total number of residents normally resident within each household. The figures do not record under- or over-occupancy.

One Person	53
Two People	37
Three People	18
Four People	10
Five People	4

Six People	0
Seven People	0
8+ People	0
<b>Total number of dwellings</b>	<b>122</b>

### Gender

Male	180
Female	127
<b>Total</b>	<b>307</b>

### Age

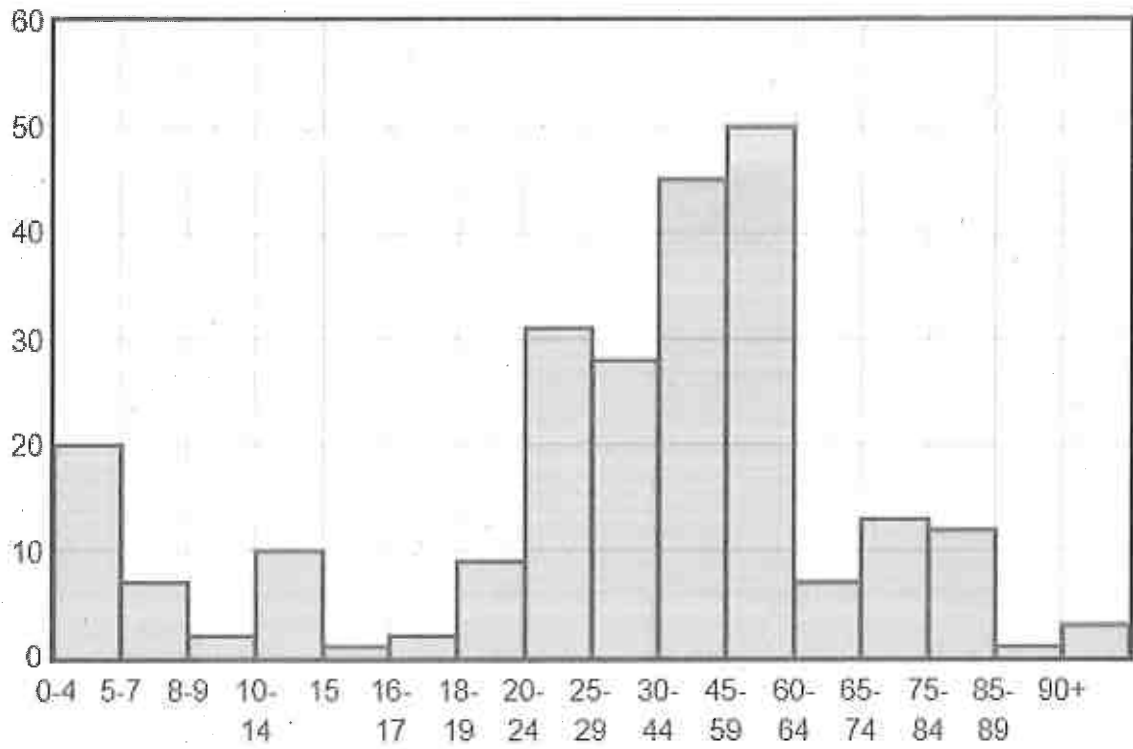
Across the UK as a whole, the median age is 39. In general, inner city areas show high concentrations of people aged 18-30, suburbs show larger numbers of small children and adults aged 30-50, and rural and small towns are more popular with older workers and retirees. The ages of residents around High Street Welshpool are mixed but with a significant percentage of school aged children of 15 and under and persons in the 45-84 range.

### Age Groups

0-4	23
5-7	2
8-9	3
10-14	15
15	2

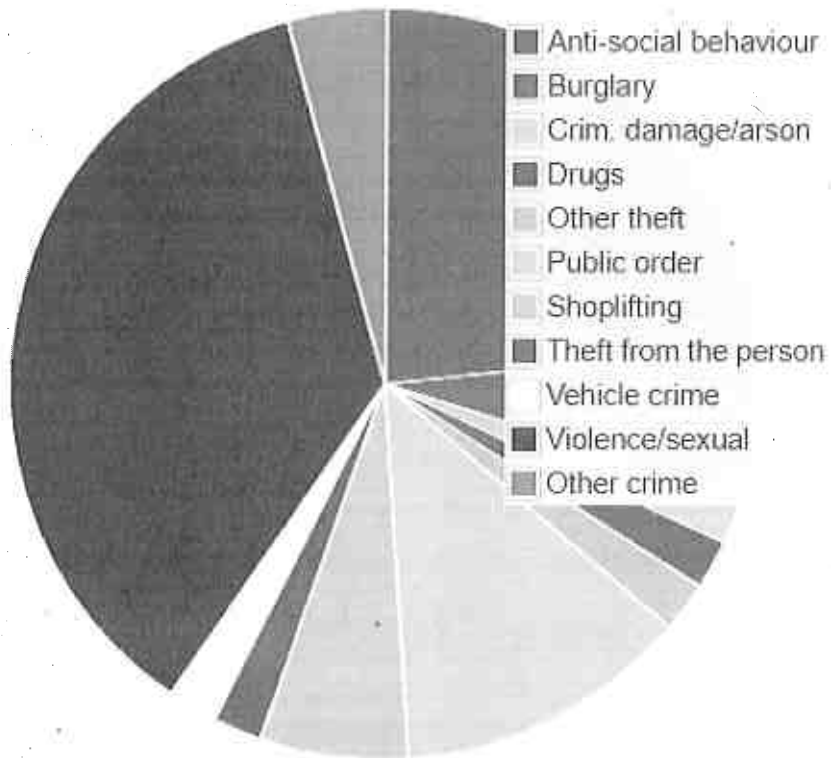
**Age Groups**

16-17	6
18-19	5
20-24	32
25-29	35
30-44	74
45-59	68
60-64	12
65-74	21
75-84	9
85-89	0
90+	0
<b>Total</b>	<b>307</b>



## APPENDIX 2.

Breakdown of the 47 crimes in April 2021 within half a mile of the centre of SY21 7JU.



# WELSHPOOL METHODIST CHURCH

Derek Painter (Treasurer)  
Welshpool Methodist Church  
High Street  
Welshpool  
SY21 7JP

Email: ~~XXXXXXXXXXXXXXXXXXXX~~

Licencing Officer,  
Powys County Council,  
Ty Maldwyn,  
Brook Street,  
Welshpool  
SY21 7PU

20<sup>th</sup> July 2021

Dear Madam,

**1898/Studio 38, 37/38 High Street, SY21 7TL:  
application for alcohol and entertainment licence**

I write on behalf of Welshpool Methodist Church to express our concern about the hours being proposed for the sale of alcohol and for regulated entertainment,

The venue is in close proximity to both the church and a residential area in which a number of our elderly members live. The residential area contains the Town's main retirement home complex, namely William Ainge Court and Alfred Jones Place, and I believe the complex is undergoing further development.

One concern is that of noise and nuisance, with people exiting the premises at early times in the morning, and the potential of disturbing the sleep of the elderly and infirm who live in the retirement home complex.

Another concern is that people leaving the premises, possibly in an inebriated state, are likely to congregate on the steps and platform at the front of our church, leaving litter and or vomit and urine and damaging the flower displays which are in pots at the front of the church.

I believe noise, nuisance and damage was a problem with a similar establishment in Berriew Street.

I request that due consideration is given to the lengths of time proposed for the sale of alcohol and the length of time given for regulated entertainment, particularly regarding the early hours of the morning being requested and the frequency with which the regulated activities are to be allowed. I note that the frequency with which the events are to be allowed was not stated in the application.

Thanking you for your consideration.

Yours faithfully,

Derek Painter





*From Anthony P. Harvey*

*Oak Cottage  
High Street  
Welshpool,*

*E-mail:*

Licensing Officer,  
Powys County Council,  
Ty Maldwyn,  
Brook Street,  
Welshpool, SY21 7PH.

July 20, 2021.

Dear Madam:

**1898/Studio 38, 37/38 High Street, Welshpool, SY21 7TL: application for alcohol and entertainment license**

Whilst a new business and the use of a building which has been empty for some considerable time are both to be welcomed I write to express concerns about the hours being proposed for both the sale of alcohol and regulated entertainment. This is based on the fact that the venue is situated in what is primarily a residential area and is geographically close to the Town's main retirement home complex (William Ainge Court and Alfred Jones Place) which is currently under-going further considerable development.

The concerns revolve around the number of people exiting the premises at closing time, that being in the early hours of the morning, and the possible effects of drunkenness. Over the years the town has had problems in Berriew Street with people exiting the night club there for the same reasons.

I would therefore ask that due consideration is given to: the length of time being proposed for the sale of alcohol and regulated entertainment with special reference to the proposed closing in the early hours of the morning; the frequency with which events are going to be allowed (not stated in the application) in terms of the numbers of days in which regulated entertainment is allowed in any week and/or month; the days of the week; and the security which is going to operate at the venue particularly at exiting time.

My thanks for your consideration of these points,  
Yours faithfully,

*Anthony P. Harvey*



## Natalie Jones

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**From:** Kimberly Davies ~~kimberly.davies@welshpool.gov.wales~~  
**Sent:** 20 July 2021 15:48  
**To:** Licensing  
**Cc:** Alison Davies  
**Subject:** Application 1898

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Natalie

*Dear Natalie*

*Welshpool Town Council is very supportive of businesses in Welshpool; however, there are some areas of concern regarding the Licensing application for this business mainly due to the hours set out in the application and particularly the hours for the sales of alcohol. This is a location that includes a good number of residential properties and is close to the current development of further supported living accommodation off Jehu Road.*

*In the granting of any licence to this business we ask that current residents and businesses, and ongoing local development is considered*

*Kind regards*

*Alison Davies - Welshpool Town Council Planning Committee Chairman*

**Applicant:**

1898/Studio 38,  
37/38 High Street,  
Welshpool, SY21 7TL

Licensing Officer,  
Powys County Council,  
Ty Maldwyn,  
Brook Street,  
Welshpool SY21 7PH

<b>ALCOHOL</b>		
Monday -Wednesday	09.00	01.00
Thursday	09.00	02.00
Friday, Saturday, Bank Holiday Sunday	09.00	03.00
Sunday	12.00	00.00
<b>REGULATED ENTERTAINMENT-- INDOORS</b>		
Monday -Wednesday	09.00	00.30
Thursday	09.00	01.30
Friday, Saturday, Bank Holiday Sunday	09.00	02.30
Sunday	12.00	00.00
<b>LATE NIGHT REFRESHMENTS</b>		
Monday--Wednesday	23.00	01.00
Thursday	23.00	02.00
Friday, Saturday, Bank Holiday Sunday	23.00	02.30

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