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| Meeting of: | Licensing Sub-Committee |
| Date of Meeting: | Monday, 08 July 2024 |
| Relevant Scrutiny Committee: | Homes and Safe Communities |
| Report Title: | Grant of a Premises Licence |
| Purpose of Report: | For the Sub-Committee to consider and determine an application under Section 16 the Licensing Act 2003 for a new Premises Licence. |
| Report Owner: | Licensing Authority |
| Responsible Officer: | Kirsty Evans, Licensing Team Manager |
| Elected Member and Officer Consultation: | Statutory Consultation |
| Policy Framework: | This is a matter for decision by the Licensing Act 2003 Sub-Committee |
| Executive Summary: | <p>For the Sub-Committee to consider and determine a New Premises Licence application under Section 16 of the Licensing Act 2003 for Hickman Restaurant, 38 Windsor Road, Penarth, Vale of Glamorgan CF64 1JJ.</p> |

Recommendations

1. The Sub-Committee is required to determine the application having regard to the Council's Statement of Licensing Policy, the Guidance issued by the Home Office under Section 182 of the Licensing Act 2003, the application and any representations submitted.

If minded to grant the application, the Sub-Committee is requested to confirm whether any additional conditions are to be imposed or only those which are consistent with and set out in the operating schedule.

Reasons for Recommendations

1. To advise the Members of the relevant options available to them under the Licensing Act 2003 in determining the matter.

1. Background

- 1.1 The Licensing Authority has received an application for the grant of a new premises licence for Hickman Restaurant, 38 Windsor Road, Penarth, Vale of Glamorgan CF64 1JJ submitted by Hickman Restaurant Ltd. The application and accompanying plan can be found in Appendix A.

- 1.2 The applicant describes the premises as:

"The building is currently under development, turning it from a derelict site (old Blockbuster video shop) into a restaurant/bar.

The ground floor will be a restaurant and the first floor a bar. Also on the first floor there is a private room suitable for hire and a mezzanine again suitable for hire or for use by the general public. Externally there is a roof terrace for external drinking/dining."

- 1.3 The application requests the following licensable activities for the hours stated:

- The Sale of Alcohol for consumption on and off the premises

Sunday to Thursday: 10:00 to 23:00 hours
Friday and Saturday: 10:00 to 00:30 hours

- The Provision of Recorded Music (indoors and outdoors)

Sunday to Thursday: 10:00 to 14:30 hours (de-regulated)
15:00 to 23:00 hours (de-regulated)

Friday and Saturday 10:00 to 14:30 hours (de-regulated)
15:00 to 00:30 hours

- The Provision of Late-Night Refreshment (indoors and outdoors)

Friday and Saturday: 23:00 to 00:30 hours

- 1.4** The additional conditions proposed by the applicant for the promotion of the licensing objectives can be found in Section 18 of the application, detailed in Appendix A.

2. Key Issues for Consideration

- 2.1** In accordance with the requirements of the Licensing Act 2003, copies of the application were forwarded to the Responsible Authorities.
- 2.2** During the statutory 28-day consultation period the application has been advertised in accordance with the regulations, both at the premises, in a local newspaper and on the Council's website.
- 2.3** Fourteen representations were received during the consultation period from 'other persons' (as described by the Licensing Act 2003). Copies of these representations are detailed in Appendix B.
- 2.4** A representation was also submitted by South Wales Police during the consultation period. This representation was subsequently withdrawn, and instead licensing conditions were agreed with the applicant; these are to be imposed on the licence if the application is granted. The agreed conditions are detailed in Appendix C.
- 2.5** As relevant representations have been received the Sub-Committee must determine the application in accordance with the Licensing Act 2003.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** This report relates to a regulatory function of the Council.

4. Climate Change and Nature Implications

- 4.1** This report relates to a regulatory function of the Council.

5. Resources and Legal Considerations

Financial

- 5.1** Fees associated with the issue of Licences are set in statute and support the administration and enforcement of the Licensing Act 2003 functions.

Employment

- 5.2** None.

Legal (Including Equalities)

- 5.3** The Licensing Act 2003 (Section 4) states that it is the duty of all Licensing Authorities to carry out their functions under the Act with a view to promoting the licensing objectives. The licensing objectives are:

- a) The prevention of crime and disorder
- b) Public Safety
- c) The prevention of public safety
- d) Protection of children from harm

Each objective is of equal importance and should be of paramount consideration at all times.

- 5.4** Section 4(3) Licensing Act 2003 states that the Licensing Authority should have regard to the Council's Statement of Licensing Policy, the Statutory guidance issued under Section 182 of the Licensing Act 2003 and the Licensing Act itself, in this case in particular to:

- a) Paragraphs 1, 2, 3, 7, 8, 9, 11 and 12. There is no specific policy relating to the area for this type of application.
- b) Chapters 2, 8, 9 and 10 of the Statutory guidance, as revised December 2023.
- c) Sections 4, 9, 10, 11, 12, 13, 16, 17, 18, 182 and 183 of the Licensing Act 2003.

- 5.5** In each case the Sub-Committee may make the following determination (Section 18 (4) Licensing Act 2003):

- a) Grant the application subject to:
 - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - (ii) any condition which must under section 19, 20 or 21 be included in the licence;
- (b) Exclude from the scope of the licence any of the licensable activities to which the application relates;

- (c) Refuse to specify a person in the licence as the premises supervisor;
- (d) Reject the application.

6. Background Papers

The Licensing Act 2003

The Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003

Regulations to the 2003 Act

Vale of Glamorgan Council's Statement of Licensing Policy.



Vale of Glamorgan
Application for a premises licence
Licensing Act 2003

For help contact
Licensing@valeofglamorgan.gov.uk
 Telephone: 01446 709105

* required information

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

Your reference 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

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

*Continued from previous page...*Your position in the business Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name Street District City or town County or administrative area Postcode Country **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 PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Further Details**Telephone number Non-domestic rateable value of premises (£)

Section 3 of 21**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 His Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Application is in the name of the operating ltd company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21**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 building is currently under development, turning it from a derelict site (old Blockbuster video shop) into a restaurant/bar.
 The ground floor will be a restaurant and the first floor a bar. Also on the first floor there is a private room suitable for hire and a mezzanine again suitable for hire or for use by the general public. Externally there is a roof terrace for external drinking/dining.

Continued from previous page...

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

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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

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

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

Continued from previous page...

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 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.

The Music played will be background music, It will not be amplified. The offering is one of a sophisticated bar with a dining room below.

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.

N/A

Continued from previous page...

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.

Should we wish to extend the licensable activities on occasion we would apply for a Temporary Event Notice.

Section 12 of 21

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?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- 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

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...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the provision of late night refreshment 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.

As before

State any seasonal variations

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

As before

Non-standard timings. Where the premises will be used for the supply of late night refreshments 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.

As before a TENS could be applied for.

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes
 No

Continued from previous page...

Standard Days And Timings

MONDAY

Start 10:00

End

Start

End 23:00

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 10:00

End

Start

End 23:00

WEDNESDAY

Start 10:00

End

Start

End 23:00

THURSDAY

Start 10:00

End

Start

End 23:00

FRIDAY

Start 10:00

End

Start

End 00:30

SATURDAY

Start 10:00

End

Start

End 00:30

SUNDAY

Start 10:00

End

Start

End 23:00

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.

As before

Continued from previous page...

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.

As before

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

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)

Issuing licensing authority (if known)

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'.

Continued from previous page...

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.

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

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

State any seasonal variations

Continued from previous page...

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

As before

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.

As before

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.

The focus on this project is to offer the residents of Penarth a nice bistro style dining room with a cool contemporary bar on the first floor. Time and money have been heavily invested to create the right feel for this venue. The operator has over 20 years experience in various styled venues offering a wealth of knowledge from the industry. Extensive investment into both the fabric and design of the building to include fire suppression systems, CCTV through out the building and over kill on every aspect of escape. We have also invested into an extraction system with minimum noise levels, carbon filters and even odor perfuming to lesson any impact from our kitchens. Staff training will be held closer to opening on all aspects of conflict management, fire safety and evacuation. A familiarization meeting will be held with the local fire force. EHO will be invited to the building to inspect before opening. The local environmental health may well struggle with this as resources are stretched. We will welcome them at any time. Penarth is a heavily residential area and as a business we will rely on the support of the community, so in order to enhance that relationship will will introduce and up keep a stringent noise management policy. Lots of families move to Penarth in order to get there children into the reputable local schools. So we can identify the market for families will be high. We intend to be a family friendly restaurant, with a offering for children. We would like this to develop into relationships with local schools and organizations that we can support. These relationships do take time to develop, we will focus on these as feel supporting the local community will only help us to grow.

b) The prevention of crime and disorder

Staff training is paramount in this area. A well trained member of the team will envisage potential for disorder well ahead of anything happening. Our staff will be trained on every aspect of there responsibilities of serving alcohol alongside, Conflict management or not as the case often is. How to diffuse situations long before anything comes of it. CCTV is often the best deterrent for crime. Our building will have a state of the art system covering all aspects of internal and external areas, with data being able to be stored for long periods of time to enable sharing. On entry of the building guests will be greeted by a host, this is often the best time and place to refuse entry to drunk or disorderly people.

c) Public safety

As above staff training is paramount!!
The buildings design and construction has been aided by the support of a local fire safety team of consultants. With extra exits implemented and fire suppression in the kitchen. Prior to opening a fire risk assessment will be completed by a

Continued from previous page...

competent person/company. This will only help the team but the most important thing here is to have staff trained with regular refresher courses to keep safety at the forefront of minds. The team will need to own this, as they will be responsible in the event of a fire.

The design and construction of the fabric of the building meets all building regs, it will be important to up hold regular servicing/inspection of every aspect of the building with a Health and Safety diary to ensure all of the following are booked for annual inspections. Gas safe cert, Canopy cleaning, PAT testing, EICR, Fire alarms, Emergency lights tests, fire extinguishers check and lift inspections.

Staff handbook to identify health and safety in the work place, with regular training to be held.

The Safer food better business pack will be used to support the kitchen, with regular documented checks being held on a daily basis for all things food related.

Accident report books to be kept on site and inspected regularly.

Maintenance records to be kept, with reporting facility should there be any concerns with the fabric of the building.

d) The prevention of public nuisance

Public nuisance is avoidable in most cases. Working closely with your neighbors to resolve any issues before they become a problem is always a good stance. A big percentage of public nuisance issues are related to noise levels in the case of a bar/restaurant. Noise management is very affective in managing public nuisance issues. Customers who are being overly noisy should be politely told to keep the noise levels down, constantly reminding customers to leave quietly especially later in the evening. This can be achieved both through signage and verbally as people leave. Customers loitering outside after leaving should be asked to move on and reduce noise etc etc. All of these come down to staff training and a caring approach to neighbors. This hugely benefits the business as we always need to remember we rely on locals for a huge percentage of our trade. It works both ways!!!

e) The protection of children from harm

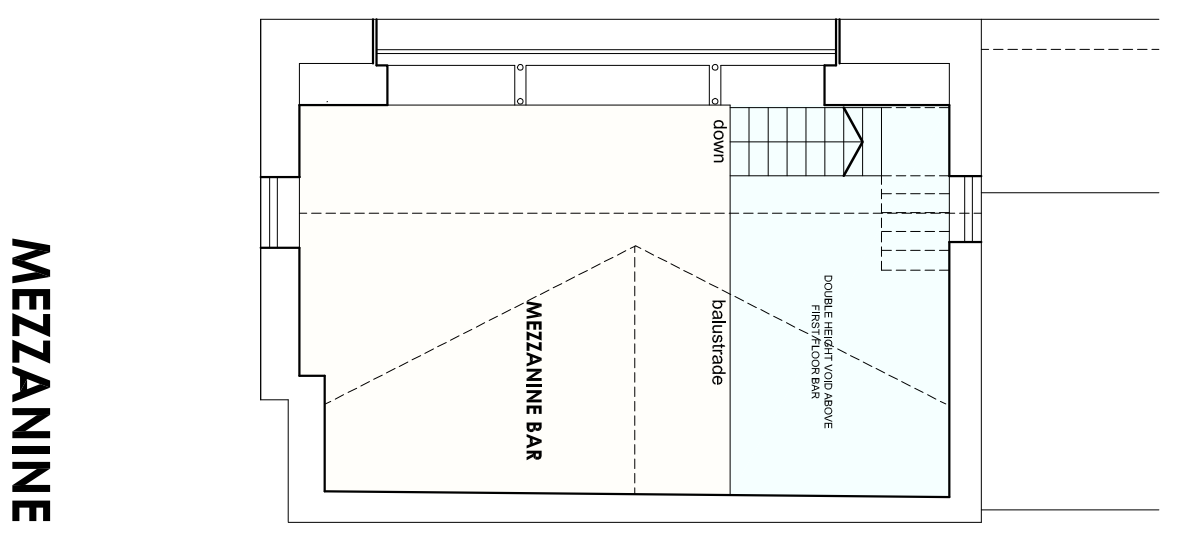
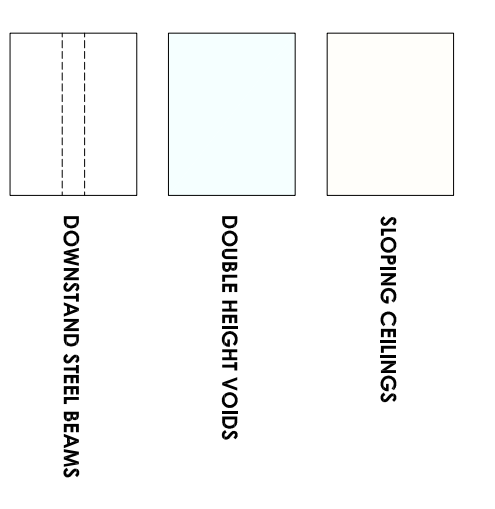
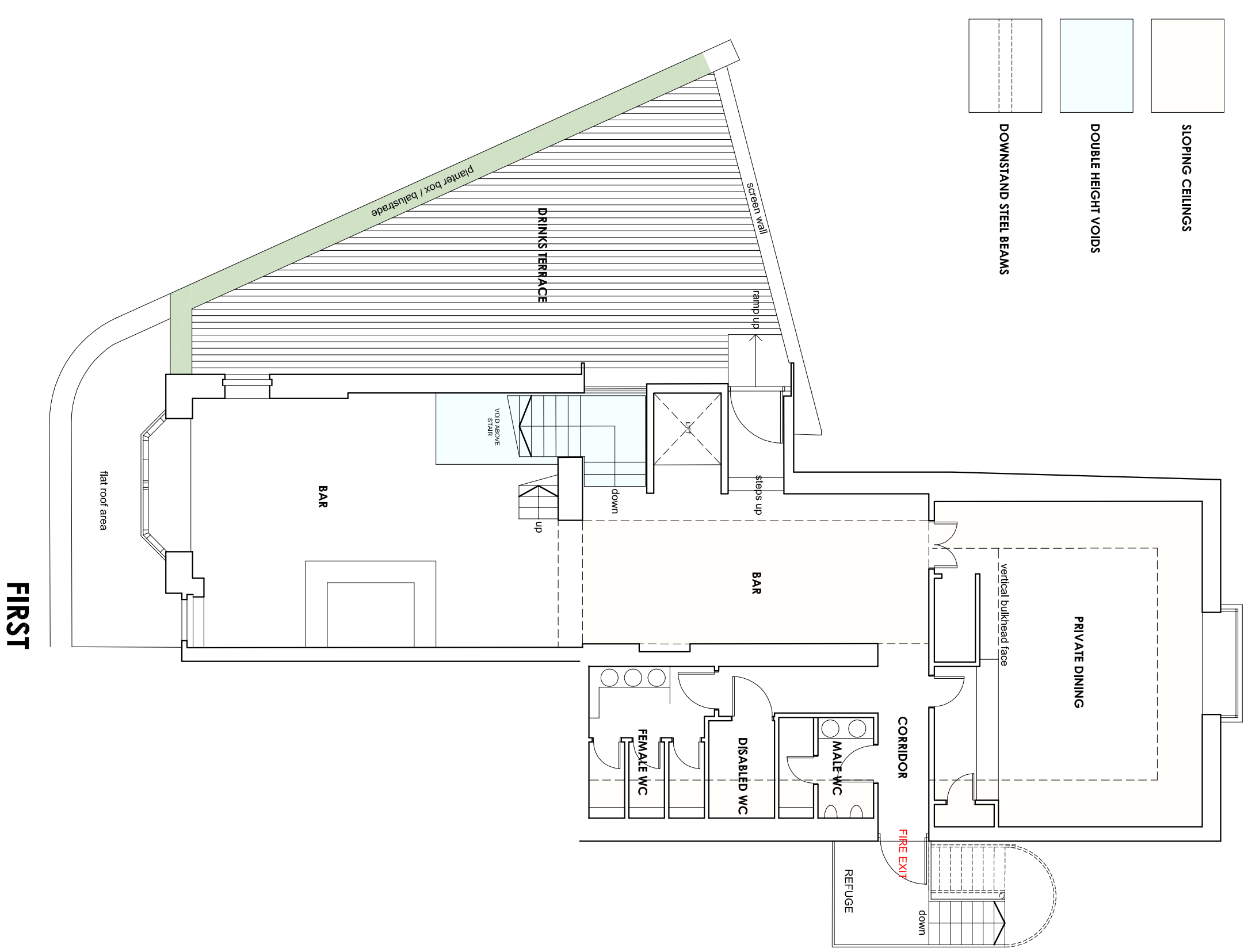
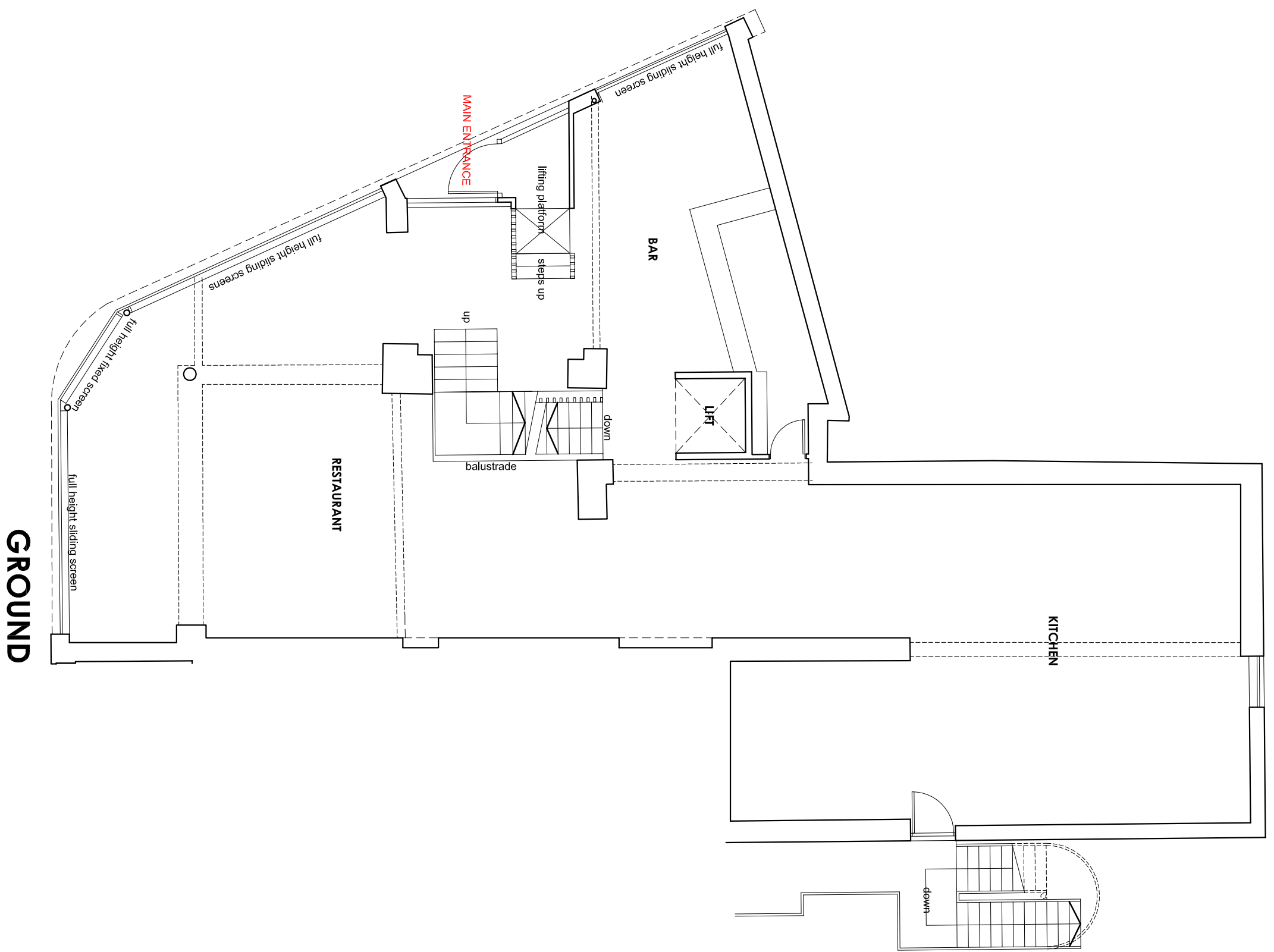
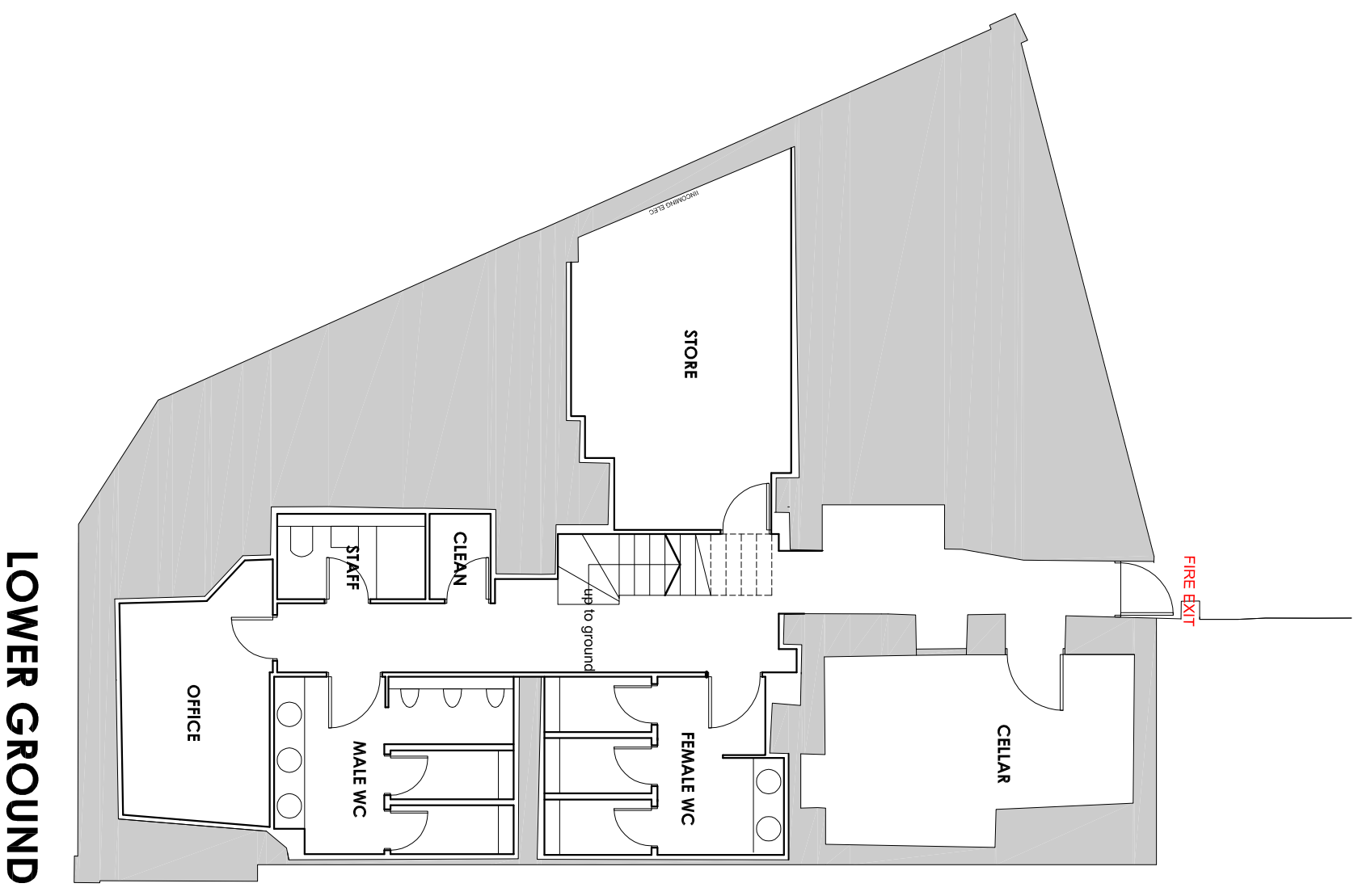
Protecting children from harm in the restaurant environment, comes down to having rules in place and that staff are trained on and that there is no movement on the rules. The biggest risk to a business like ours is the selling of alcohol to some one under the age of eighteen. Schemes like the challenge25 work really well in reducing this risk. Staff need to be trained in the sale of alcohol and the risks explained and documented for the protection of minors, the staff and the business.

The law states you can sell alcohol to a 16 to 17 year old whilst accompanied by an adult and eating a meal. House rules will be no ID proving your over 18 no alcohol. This law in my view opens the business up to risk and should be tightened.

Whilst we are going to be a family friendly establishment, we need protect children from harm and will enforce a house rule of no children in the bar area after 8pm. This is beneficial to the business as adults often want a child free space whilst relaxing and having a drink. More importantly its there to help protect children. In the restaurant area this will be harder to do as families will often want to eat later so we will need to ensure staff training is kept up to speed and documented.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK



Client: CHARLES M WILLE & CO (PROPERTY) LTD
 Project: PROPOSED AMENDMENTS TO APPROVED A3 USE,
 38 WINDSOR ROAD, PENARTH

INTERNAL FLOOR PLANS - FEB 2024

| Status | Date | Scale | Drawing No. | Rev |
|--------------|----------|------------|-------------|-----|
| Construction | Feb 2024 | 1:100 @ A1 | 44522:32 | |

The Studio
 5 Penarth Head Lane,
 Penarth, Cardiff, CF44 1BB
 t: 029 2070 2800
 e: studio@nigelarnold.com

nigel arnold / architect

Representations Received

Representation 1

From: [REDACTED]
Sent: Wednesday, May 1, 2024 1:07 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Hickman Restaurant Licence Application

Dear Sir / Madam

I have recently seen that an application has been submitted for a licence for the Hickman Restaurant and the notice was placed on the building on 24-4-2024.

They have requested a licence to serve alcohol from 10am to 11pm Sunday to Thursday and 10am to 00.30am on Friday and Saturday. I object to the request for alcohol to be served any later than 11pm on any night of the week and therefore I object to the request for a late licence beyond 11pm on Friday and Saturday.

My objection is based on the fact that the late licence granted to the property next door to this premises caused incessant noise and Public and Statutory Nuisance to local residents. As you know, local residents including myself complained to Vale of Glamorgan Licensing on an extremely regular basis and we frequently had to report issues to the police. The Hickman Restaurant is located at the end of an entirely residential terrace. Several of the homes in this terrace are occupied by families with young children. This new bar restaurant will inevitably have lots of people standing outside it gathering to talk, smoke and drink etc. Obviously, the more they drink, the louder they get. Allowing this premises to serve alcohol any later than 11pm will cause significant disturbance to local residents and their children, preventing them from sleeping and waking them up.

This building was formerly Blockbusters. It therefore currently does not have a licence to serve alcohol. The building next door was granted a late licence and I think that the Vale of Glamorgan Council realises that this was a big mistake given the level of Public and Statutory Nuisance caused to local residents by this premises and the late licence it was granted. Both these facts, that this is a new licence and the huge level of complaints and issues caused by the late licence previously granted to the building next door should obviously be taken into consideration when a decision is made about this licence and given the disruption to local residents which have already been confirmed by granting a late licence in this location, the late licence can surely not be granted.

Granting a licence to serve alcohol to a premises in our residential terrace until 11pm is bad enough. This will obviously mean loud drunken conversations and alcohol related issues until 11.30pm which will wake us up and prevent us and our children from sleeping. Granting a licence until 00.30am is completely incomprehensible and totally unacceptable to local residents who would then have issues of noise and Statutory and Public Nuisance until potentially 1-2am as people leave the premises and congregate outside before making their way home.

I urge the Vale of Glamorgan Council and the Licensing Department to learn from the recent past and to look at the detrimental effect that the late licence had on local residents when it was granted to the building next door, to look at the number of complaints that it received as a result of the late licence and I ask you to object to this late licence to serve alcohol beyond 11pm on Friday and Saturday and to decline it.

I presume there will be a formal meeting that members of the public can attend when considering this request. I would like to attend and I will bring the huge catalogue of evidence that I have collected over the past few years as evidence that a late licence should not be granted to a building which forms part of this residential terrace of family homes.

Thank you.

Yours faithfully.

[REDACTED]
[REDACTED]
[REDACTED]

Representation 1 Continued

From: [REDACTED]
Sent: Friday, May 17, 2024 3:13 PM
To: Evans, Kirsty J <kjevans@valeofglamorgan.gov.uk>
Subject: Re: Hickman Restaurant Licence Application

RE: Objection to the application for alcohol sales and music later than 11pm.

Dear Kirsty

Thank you for your update.

Everything that I said in my original objection letter still stands however in light of this new information I need to object to the other proposals too!

I will try to keep this succinct.

1: I categorically object to the licence permitting the sale of alcohol beyond 11pm on any night of the week. 11pm is late enough for Bar44 and for Ocho and therefore there is no reason for this premises to stay open later than that. This premises is on the end of a residential terrace which is mostly home to families with young children. We can not have our children woken up and scared by loud shouting and drunken behaviour which would inevitably happen every week on Friday and Saturday night. This would be completely unacceptable and should concern the licencing committee greatly. Our 11 year old daughter sleeps in the front of our house and she loves her bedroom. A bar which was open until 1am and serving alcohol until 00.30 would be horrendous for her. The longer a bar is open the drunker patrons get and the noisier they get. This bar would attract all the drunk people from Bar44 and Ocho who wanted to drink even more. We would have large drunk gatherings outside the entrance shouting and screaming and as they left at 1am to stumble home or get taxis from outside our home. This has already been proven to be factual as the

licence was changed at the RAFA club in 2014 and it caused nothing but trouble to local residents. I had to call the Shared Regulatory Service to report issues on a weekly basis and call the police and email licencing regularly.

2: Regarding the playing of music until 00.30am. Again it is a definite objection. I doubt whether the building has adequate sound proofing to keep the sound from the recorded music within the confines of the building itself. The windows just look like ordinary windows. Obviously, the playing of music outside until 00.30 is even more ridiculous. We used to hear recorded music from the Pier and Piano above the volume of our TV from within their building which is blatantly causing a Public and statutory Nuisance.

3: The third point is not clear but I obviously object.

I do not think that any licence should be granted any later than 11pm. The venue should have to close its doors at 11pm every night of the week. The premises is within a residential area and I am sure that all of the local residents will object and so I can see no way that the licencing committee can grant this application in the face of such local objection.

I have lots and lots of video footage which shows how detrimental to local residents the late licence at the Pier and Piano was and I request for that evidence to be viewed and taken into consideration in this case.

I would like to know the names of the licencing team who will be making this decision please as the outcome will have a significant effect on local residents and those making the decision would need to be held accountable if they come to the wrong conclusion.

Many thanks.

██████████

██████████████████

Representation 2

From: [REDACTED]
Sent: Tuesday, May 21, 2024 11:11 AM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: 38 Windsor Road

Following clarification I'd like to object to:

Late night license Friday and Saturday until 0:30
License for recorded music outside
License for late night refreshments 23:00-0:30

My objections are based on previous experiences when 'The Office' and Pier and Piano operated and the fact that the new establishment will be on a much bigger scale and will attract significantly more customers which will inevitably lead to:

Activity in the lane behind 38 Windsor Road down to 56. This has generally been drug taking, fighting and broken glass.

Inability to enjoy our garden which is a haven from busy Windsor Road if outdoor music is allowed, the Pier and Piano went on to build an outdoor stage used for live music during the day and told the neighbours 'to put your earplugs in'.

Disturbance to the front of house such as drunken rows, fights and general loud noise from groups of party goers - our son sleeps in the front bedroom and was constantly woken or unable to sleep.

Despite genuine good intentions the management won't be able to control their patron's behaviour outside their establishment. I am also concerned that once permissions are granted they are very difficult to be reversed or adjusted.

I look forward to receiving details of the forthcoming meeting.

Thanks

[REDACTED]

Representation 3

From: [REDACTED]
Sent: Tuesday, May 14, 2024 6:11 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Hickam Restaurant

Hi

I am a resident of Windsor Road [REDACTED] Penarth. I have seen a notice on a nearby lamp post about a new property being opened shortly entitled the Hickman Restaurant and request to run a late license on Sunday -Thursday 10am - 23.00 and Friday - Saturday 10am - 00.30. This is not acceptable to us living at number [REDACTED] Windsor rd because of several different reasons.

1. After our recent experience of The Pier & Piano and the incredible inconvenience of noise well into the early hours of both Friday and Saturday night this is not fair on the whole of Windsor road.
2. Not just people spilling out into the road and taxis being called well into the morning it was not only very unsociable but also people using the rear lane access to our properties in the early hours. Urinating and driving up and down was also not acceptable.
3. We often get woken up by such events and on occasion people use to loiter outside our front garden gate well into the night.
4. We still have no end of problems with builders accessing this lane all day and sometimes over the weekend at both ends of our road. Often blocking access with two or more large lorries and vans. This is Hickman development and the former Monty Smith Garage to be Rush Residential. BOTH ends of our rear lane. I'M SURE THIS WOULD CONTINUE WITH STAFF AND CUSTOMERS ALIKE.
5. We fear by allowing this suggested late license you will allow all these problems and no doubt more become another issue.
6. We have no issue in calling the police in every event.
- 7. We would, if forced, tolerate the license being allowed to the same hours throughout the week. Monday - Sunday 10am - 11pm. What will happen if this is not permitted is the same as before: people will walk down from town to take advantage of the late drinking license at the weekend.**
8. Also I am often having to clean our rear lane of discarded rubbish by the new influx of people using the rear lane since these two new builds have been happening.

9. Is it not possible to have a gate placed at both ends and residents have a key. This could place at either end in from the road where the houses start at both ends.

10. The amount of additional parking both this new restaurant and the flats will be another problem. Even though both say they have accommodated this in their building plans there still won't be sufficient parking available for all and especially us residents of Windsor road.

I expect you will take these and other points into consideration and this late license NOT be granted.

Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Representation 4

From: [REDACTED]
Sent: Wednesday, May 15, 2024 6:26 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Late license at Windsor/Hickman Roads

Dear Sir/Madam,

I live at [REDACTED] Windsor Road in Penarth. I have recently heard that a new bar/pub/restaurant on the corner of Windsor and Hickman Roads has applied for a late licence on Fridays and Saturdays. I would like to voice my strong objection to this. We experienced awful disruption and noise when the pier and piano was open in the evenings. People would gather outside smoking and drinking and I would not be able to get to sleep or relax in the evenings at home. I wanted to change my children's bedroom to the front of the house to give them more space but realised I couldn't because I didn't want them to hear the drunken behaviour, swearing and shouting of the adults drinking and smoking outside the bar.

Please could you help to keep our living environment as peaceful as possible and avoid allowing anything that would cause noise and public statutory nuisance.

Thank you very much.

Yours Faithfully,

[REDACTED]

[REDACTED]

Representation 5

From: [REDACTED]

Sent: Wednesday, May 15, 2024 6:12 PM

To: Licensing <Licensing@valeofglamorgan.gov.uk>; Licensing <Licensing@valeofglamorgan.gov.uk>

Subject: New pub/ restaurant corner of Windsor Road Hickman Road

Good afternoon,

I am writing to object to the application for a late night license at the above premise.

It would be fine for them to open until 11pm in line with other premise in the vicinity but any later would cause too much noise, disturbance for the residence in the houses close to it.

There would be a significant increase in Noise and Public Statuary Nuisance.

We had evidence of this with the Pier and Piano, it was horrible on Friday and Saturday nights. Having learnt the lessons of that premise we don't want that repeated again with a greater volume of people.

I wish the new owners of the restaurant well and know it will benefit the community but absolutely object to them serving alcohol until 00:30am on Fridays and Saturdays,

Yours sincerely

[REDACTED]

Representation 6

From: [REDACTED]
Sent: Wednesday, May 15, 2024 7:24 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Restaurant corner of Hickman Rd/Windsor Rd Penarth

Dear Licencing dept

I understand an application has been submitted for late night serving of alcohol at the premises. This will result in noisy people leaving the premises in the early hours of the morning and late at night. Families live on Windsor road, and will be impacted significantly if this is the case, as we are well aware of the noise that can occur from having late night drinking. Whilst this may be seen as a lovely restaurant, this wont stop people consuming a lot of alcohol and not realising how loud they are. I live immediately across the street from the restaurants and have teenage children. We all need to get our sleep without noise impacting on our families, dogs and neighbours. People at the premises will also be slamming car doors as they go on their way, so I would like to object to late night opening and drinking.

Thank you

[REDACTED]

[REDACTED]

Representation 7

From: [REDACTED]

Sent: Wednesday, May 15, 2024 11:10 PM

To: Licensing <Licensing@valeofglamorgan.gov.uk>

Subject: Licencing: new pub/restaurant corner of Windsor Road/Hickman Road

Dear Sir/Madam,

I am writing to object to the application for a late-night license at the above premises.

I am pleased to see the quality of the new development on this site. However, given our previous experience, it is completely unacceptable to us to extend the licence into the early hours. It would cause far too much noise and disturbance for the houses close by. Regular licencing hours (ie. until 11pm) would be in line with other premises in the vicinity and more acceptable.

Later opening would lead to a significant increase in disturbance in the area. We had evidence of this with the Pier and Piano. It was extremely noisy and disruptive on Friday and Saturday nights. We have vulnerable children who have been woken up and upset by some of the behaviour of late-night drinkers in the area and drinkers at that premises were particular instigators. We have seen fights, swearing, loudness and raucous behaviour where there is no consideration for the neighbourhood, especially people with young families. We appreciate that the new business may wish to target a different clientele, but, even if that is the case, there is no necessity for late night drinking so close to our houses.

I wish the new owners of the restaurant well and know it will benefit the community, but absolutely object to them serving alcohol until 00:30am on Fridays and Saturdays,

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

Representation 8

From: [REDACTED]

Sent: 16 May 2024 20:37

To: Licensing <Licensing@valeofglamorgan.gov.uk>

Subject: Objection to late licence at new Hickman Bar Restaurant on Windsor Road

Dear Sir / Madam

I have seen the notification on the building to inform local residents that the premises has applied for a licence to serve alcohol until 11pm and for a late licence until 00.30 on Friday and Saturday. I understand that it needs a licence as it will serve alcohol as a restaurant and it may have a bar but I completely object to the application to serve alcohol any later than 11pm. I would also object to the premises being open any later than 11pm.

Our 11 year old daughters bedroom is at the front of our house. As you know people can get very loud even if they are a little bit drunk. I would not want her getting woken up by drunken behaviour and shouting and swearing outside her bedroom window. The later the premises is open, the drunker people will get and therefore the louder they will become. I really worry that my daughter would be regularly woken up by drunk shouting as people congregate outside and wait for taxis home etc.

The windows to the premises just look like normal sash windows too. Surely the noise from a rowdy bar will be heard outside the premises and will upset and disturb local residents. This is another reason the premises should not be permitted to open later than 11pm.

Bar 44 and Ocho are both actually in the town centre and they both stop serving alcohol at 11pm. If this premises gets a later licence it will attract all the drunk people who want to keep drinking more which will make the premises very drunken and noisy.

This premises is on the end of a residential terrace which is predominantly home to families with young children.

There is no mention of music so I hope and assume that they will not be able to play music as that will disturb local residents too.

Please let me know if there is anything else that I need to do to let you know just how unacceptable granting this premises a late licence would be.

Thank you.

Yours sincerely,

[REDACTED]

[REDACTED]

Representation 9

From: [REDACTED]
Sent: Saturday, May 18, 2024 3:43 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Cc: [REDACTED]
Subject: Noise and Public Statutory Nuisance

To whom it may concern,

We live at number [REDACTED] Windsor Road, CF64 1JJ and we'd like to object to the late license to serve alcohol until 12.30am for the new development on the corner of Windsor and Hickman Road.

We think this will cause considerable disruption to our family and cause noise nuisance. We have many concerns, as in our house there are two disabled children whose bedrooms are at the front of the property. Plus another child, all of which will suffer with sleep disruption and the unnecessary exposure to drunk people leaving the pub/ restaurant early hours of the Fri and Sat night.

We'd also like to object to any music license and outdoor serving of alcohol as this development is on a residential street and will cause a lot of disruption to our household and our neighbours.

Please feel free to contact me further to discuss on [REDACTED]

Regards

[REDACTED]

Representation 10

From: [REDACTED]
Sent: Wednesday, May 22, 2024 4:24 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Licensing application by Hickman Restaurant Ltd

Dear Sirs

I am writing to register my objection to the application for a Premises Licence By Hickman Restaurant Limited, 38 Windsor Road, Penarth, CF64 1JJ.

Whilst I have no issue with the applicant's request for a licence to sell alcohol and provide music between the hours of 10:00 to 23:00 hours (as is the case in their application for Sunday to Thursday), I strongly object to the selling of alcohol and refreshments, and provision of music between 10:00 and 00:30 hours on Fridays and Saturdays.

I live approximately 50 metres away from this bar and restaurant and I am confident that the proposed later licensing hours on Fridays and Saturdays will mean a significant increase in the levels of noise and public and statutory nuisance as people stand outside smoking and as they leave the premises in the early hours of the morning. The bar and restaurant will be very close to many residential properties, with many, including ours, having young children asleep. As such I think the inevitable disturbances arising late into the night will prove to be totally inappropriate for this area.

Additionally, I think it very likely there will be an increase in the levels of crime and disorder near the premises directly as a consequence of the extended hours and higher quantities of alcohol consumed. The late licensing of alcohol has been shown to have a significant impact on crime and anti-social behaviour. The Institute of Alcohol Related Studies describe two important parallel trends in the night-time economy and off-trade sales:

1. The growth of the night-time of economy and the associated problems of alcohol-related crime and disorder in town and city centres;
2. An overall relative decline in the proportion of alcohol consumed in on-license premises and a growth in the proportion of alcohol purchased from off-license premises and consumed at home. In areas where alcohol is sold and served late into the night, studies have clearly shown an increase in alcohol-related crimes, including aggression, violence and even sexual offences

As residents of the area, we already regularly suffer from late night antisocial behaviour and occasionally see vandalism to our cars. The police are regular visitors to the

junction between Windsor and Hickman Roads. This application for the sale of alcohol and playing of music until 00:30 would only exacerbate the problem and I urge you to turn this application down.

Yours faithfully

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Representation 11

From: [REDACTED]
Sent: Thursday, May 23, 2024 11:59 AM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Noise and Public Statutory Nuisance Objection

Dear Sir/Madam,

I am writing to object to the application for a late license for the new pub/restaurant on the corner of Windsor Road and Hickman Road, Penarth.

We already suffer from noise and poor behaviour from the various pubs and clubs in Penarth, which is especially bad on Fridays and Saturday nights, with the police present most weekends to deal with problems.

A late license granted will further exacerbate these problems and we object strongly.

Kind Regards,

[REDACTED]

[REDACTED]

[REDACTED]

Representation 12

From: [REDACTED]
Sent: Thursday, May 23, 2024 12:03 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: Objection to the late licensing of Hickman Road Resturant

Dear Sirs

I am emailing to register my objection to the application for a Premises Licence By Hickman Restaurant Limited, 38 Windsor Road, Penarth, CF64 1JJ.

I understand and have no issue with the applicant's request for a licence to sell alcohol and provide music between the hours of 10:00 to 23:00 hours (as is the case in their application for Sunday to Thursday), I do object to the selling of alcohol and refreshments, and provision of music between 10:00 and 00:30 hours on a Friday and Saturday.

I live with my family (including 3 children) approximately 50 metres away from this bar and restaurant and I am confident that the proposed later licensing hours on Fridays and Saturdays will mean a significant increase in the levels of noise and public and statutory nuisance as people stand around outside smoking and looking for taxi's etc as they leave the premises in the early hours of the morning. The bar and restaurant is very close to many residential properties, with many, including ours, having children asleep. As such I think the inevitable disturbances arising late into the night will prove to be totally disturbing and inappropriate for this residential area. I'm also concerned about the increase in noise levels from the proposed extended music licence. Our garden is again within 50 metres of the restaurant and the late music license would mean our garden will be polluted with music until 00.30 hours giving no respite to the noise pollution we would suffer. It would also mean my children couldn't open their bedroom windows due to the levels of noise they would experience. This has been the case in the past when the previous next door bar - The Pier and Piano were playing their music late into the evening.

I also think it very likely there will be an increase in the levels of crime and disorder near the premises directly as a consequence of the extended hours and higher quantities of alcohol consumed. The late licensing of alcohol has been shown to have a significant impact on crime and anti-social behaviour.

As residents of the area, we already regularly suffer from late night antisocial behaviour and occasionally see vandalism to our cars. The police are regular visitors to the junction between Windsor and Hickman Roads. This application for the sale of alcohol and playing of music until 00:30 would only exacerbate the problem and I urge you to turn this application down.

Yours faithfully

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Representation 13

From: [REDACTED]

Sent: Wednesday, May 29, 2024 10:22 AM

To: Licensing <Licensing@valeofglamorgan.gov.uk>; [REDACTED]

Subject: Hickman Restaurant 38 Windsor Road Penarth CF641JJ

Hello Licensing office,

I am writing to you to object to the provision of music and late-night refreshments on Friday and Saturday 10.00-00.30 hours. I live at [REDACTED] Windsor Road, Penarth CF641JJ, several doors down from proposed site- this is a residential area albeit teetering on the town center- this will mean we will have constant noise and disruption until the early hours all over the weekend - this seems really unfair when commonly music venues of this type finish at 11. This will certainly effect our and our neighbours quality of life, as the weekends will be a constant barrage of noise until the early hours, with people potentially leaving the venue for some time after the close of music and refreshments at 00.30. Previously when there have been licensed venues in that situation on Windsor Road (and although these were very different propositions) there were men relieving themselves in the lane behind our houses, constant noise and disruption until the early hours, plus all sorts of other anti-social behaviours- and these venues closed earlier than that requested by the Hickman Restaurant.

I understand that the revival of business in Penarth is to be commended but the hours that the venue will run to over the weekend seems hugely unreasonable to families and individuals actually living in the close proximity - this is to be a big venue and so the noise and activity etc will certainly cause a huge disruption. Please consider the effect the granting of such late-night opening hours- the families that live in that area will certainly be compromised over the weekend. We already have had a huge disruption with the flats being built (overlooking our garden) with the lack of car parking constant inability to access Railway Terrace and noise levels at unsociable hours- so please can you take my concerns toward the Hickman Road venue into consideration. I am really concerned this proposal will be granted without sufficient consideration to the effects to the local residents.

Thank You so much,

With Kindest Regards,

[REDACTED]

Representation 14

From: [REDACTED]
Sent: Friday, May 24, 2024 5:44 PM
To: Licensing <Licensing@valeofglamorgan.gov.uk>
Subject: New restaurant on Windsor and Hickman Road

As notice was given of the new restaurant's application for a late license til 12.30am, and as residents of Windsor Road we would like to raise concerns about this application.

Whilst the Pier and Piano was under license and operation until some point in 2023, we had almost constant noise nuisance and some incredibly anti social behaviour almost every evening the venue was open.

Given the proximity to a residential area it is completely unacceptable to have customers spilling out of a venue until 1am, and as residents situated a number of houses away from the Ex servicemen's club, we already have significant noise and nuisance problems to live with. We have been told by your department that nothing can be done about this, so we really don't need yet another problem on our doorstep.

The proposed license is also later than most of the venues in the main town centre in Penarth which means that as other venues chuck out this new venue will be a focal point for people wanting to carry on drinking, something which the town could well do with but not at the top of a residential street.

We hope the new venue does well as Penarth needs another reputable venue, and an 11.30pm license would be more than sufficient for people who are not wishing to get rowdy and keep local residents awake.

We hope you will listen to our concerns.
[REDACTED]

Agreed Conditions with South Wales Police

1. A CCTV system will be installed to an agreed standard approved by South Wales Police and will be maintained and always operated when the premises are open. The system will cover all areas of the premises to where the public have access. The images will be available for a minimum of 31 days. The images will be produced to a Police employee upon request when the premises are open to the public and at all other times as soon as reasonably practicable.
2. Customer focussed staff will receive relevant training in relation to alcohol sales and the promotion of the licensing objectives. This training will be refreshed annually with a record held on the premise. The training record shall be retained for a period of 12 months and will be made available for inspection upon request by a South Wales Police officer or other authorised person.
3. The premises will operate a 'Challenge 25' policy. This policy will be brought to customers' attention by staff and through the display of appropriate signage. The only forms of identification recognised will be photographic identification cards, such as a driving licence, passport, HM Forces Card or proof of age scheme card with PASS logo.
4. Upon arrival patrons will be greeted by a host prior to ordering or consuming alcohol on the premise.
5. Children under the age of 18 shall not be permitted into or remain on the premise after 20:00, save for those dining with a responsible adult in the ground floor restaurant.
6. An incident record shall be kept at the premises for a rolling 12 month period. Any incident of crime or disorder witnessed by staff, or any incident reported by customers will be noted in the log. The following shall be recorded in relation to each incident:
 - a. date and time of the incident;
 - b. name of person making the report;
 - c. names of the parties involved (if known) or description of the parties;
 - d. nature of the incident;
 - e. any action taken thereafter;
 - f. refusals of sale.
7. At least 70% of the restaurant floor space area will be laid with tables and chairs.
8. SIA registered door staff to be employed at the premise, in accordance with a written risk assessment to be carried out by the DPS. A copy of this risk assessment will be made available to be viewed by Police or responsible authority officers upon reasonable request.
9. When employed, a register of those door staff shall be maintained at the premises and shall include; the number of staff on duty, the identity of each member of door staff, their start and end duty times.
10. Clear and legible notices must be prominently displayed at all exits requesting customers to respect local residents and leave the area quietly.

Appendix C

11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. The use of the outside terrace shall cease at 22:00 daily to prevent undue noise impacting on local residents.
13. The premise will keep a formal record of any function or private dining bookings for a period of 12 months. These records will be made available for inspection to Police and council licensing officers immediately upon request.
14. The Designated Premise Supervisor or a personal licence holder will be present and working for the duration of any externally booked function or private dining experience.
15. Any alcoholic drinks sold for off-sales will be supplied in closed and sealed vessels - no open top drinks will be allowed.

N.B. THIS INFORMATION HAS BEEN SHARED WITH MEMBERS AND THE APPLICANT AND THE VIDEOS WILL BE SHOWN AT THE HEARING

Representation 1 – Additional Evidence.

Hi Kirsty

I have 2 videos I would like the licensing committee to see. One involves extreme noise in the street outside the new Hickman Restaurant venue which wakes us up or disturbs us as it is heard above the volume of the television in our lounge & the other is of the noise that a pub / restaurant generates inside which can be heard outside the premises at the rear of our homes with all doors and windows closed and again it wakes us up or keeps us awake.

This is why we are so against a late licence as it is guaranteed to cause us a significant public & statutory nuisance.

It is also why the premises needs sufficient sound insulation throughout to keep the noise inside and what gathering and drinking outside after early evening should not be permitted.

Please can you confirm that both of these videos have been received and can be seen and heard.

These are very genuine & justified concerns which must be taken into consideration & all the local residents I have spoken to feel the same.

Thank you.

Yours sincerely.