

# Pecyn Dogfennau Cyhoeddus

## Is-bwyllgor Trwyddedu

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Man Cyfarfod  
**By Teams**

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Dyddiad y Cyfarfod  
**Dydd Mawrth, 25 Ionawr 2022**

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Amser y Cyfarfod  
**10.00 am**

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I gael rhagor o wybodaeth cysylltwch â  
**Carol Johnson**  
01597 826206  
carol.johnson@powys.gov.uk



Neuadd Y Sir  
Llandrindod  
Powys  
LD1 5LG

Dyddiad Cyhoeddi

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Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

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## AGENDA

**Gofynnir i Aelodau'r Is-Bwyllgor i fynychu cyfarfod briffio preifat am 9.30 a.m.**

<b>1.</b>	<b>CAIS AR GYFER TRWYDDED EIDDO</b>
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**1.1. Gweithdrefnau Is-bwyllgorau**

Derbyn cyflwyniadau gan y Cadeirydd ac esbonio gweithdrefnau'r Is-Bwyllgor gan y Prif Gyfreithwr.  
(Tudalennau 1 - 4)

**1.2. Cais am drwydded**

Ystyried cais am drwydded gan Country Kitchen, Pegasus Lane, Aberhonddu.  
(Tudalennau 5 - 34)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

# 1.a

## POWYS COUNTY COUNCIL

### LICENSING ACT 2003

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

##### **Introduction**

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

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

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

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

request made by a party under Regulation 8(2) for permission for another person to appear at the hearing as a witness.

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

**PLEASE NOTE:**

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

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

# 1.b

## CYNGOR SIR POWYS COUNTY COUNCIL

### Licensing Sub-Committee

DATE: 25<sup>th</sup> January 2022 10am

Via TEAMS

REPORT BY: Senior Licensing Officer – Sue Jones

SUBJECT: Application for a New Premises Licence – Country Kitchen, Brecon

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REPORT FOR: DECISION

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### 1. APPLICATION

- 1.1 On 26<sup>th</sup> November 2021, an application for a Premises Licence was received from Mrs Sarah Ann Davies and Mrs Catrin Price for Country Kitchen, Pegasus Lane, Brecon.
- 1.2 A location map of the premises is set out at **Annex A**, and a copy of the application and a plan of the premises are reproduced at **Annex B**.
- 1.3 The Proposed Premises is currently a retail shop. The application is for off sales of alcohol in the shop on the ground floor and for a bistro/private function room with on sales of alcohol on the second floor. The downstairs delicatessen is currently operating and has been utilising Temporary Event Notices to authorise alcohol sales in the shop in the run up to Christmas. The proposed function room is not yet operational.
- 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

#### On and Off Sales of Alcohol:

Monday to Wednesday	07:30 to 17:00
Thursday to Saturday	07:30 to 00:00 (midnight)
Sunday	09:00 to 00:00 (midnight)

#### Late Night Refreshment:

Thursday to Sunday	23:00 to 00:00
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- The live and recorded music elements included on the application are in fact not licensable and can be ignored for the purposes of this application.
- The recorded music is intended to be ancillary background music and is therefore not considered regulated entertainment under The Licensing Act 2003
- The live music is all before 23:00hours and is exempt from licensing under the Live Music Act 2012

The application therefore only concerns the licensable activities sale of alcohol and late-night refreshment

## 2. REPRESENTATIONS

### 2.1 Responsible Authorities

Responses have come been received from:

- Dyfed Powys Police – no objections
- Mid and West Wales Fire Authority – no objections
- Licensing Authority – no objections
- Trading Standards – no objections
- Brecon Beacons National Park planning – comments made see below and **Annex C**

*Following a planning constraints check it has been established that the use class of this property is currently A1- Retail. Regarding planning permission and the use of the building, whilst the delicatessen is considered to be within A1 use class, the proposed bistro is considered an A3 use and planning permission for mixed use (A1 and A3) is usually required. During the pandemic, a relaxation of the requirement for planning permission is being trialled and the above change of use is currently deemed Permitted Development (if in the Town Centre) for 6 months from the day the use begins, or until 29/04/2022;*

The applicant has been notified of the comments made by planning. In order to operate lawfully the applicant would require both the required planning permission and licence in place. Planning and licensing regimes are separate.

A licence can still be granted without Planning permission.

### 2.2 Other Persons

#### Objections

Representations were received from one resident - **see Annex D**

Following receipt of the representations the licensing authority sought to mediate and seek a resolution to avoid the need for a hearing. The applicant offered to reduce the hours of the licensable activities to 22:00 hours however this amendment was rejected by the objector who maintains their objection on the grounds that there is no planning in place and because of the potential for noise nuisance. - **see Annex E**

## 3. OPTIONS

3.1 In determining the application for the Premises Licence, the Sub-Committee must take such steps as are considered appropriate to promote the licensing objectives;

- i) The Prevention of Crime and Disorder
- ii) Public Safety
- iii) The Prevention of Public Nuisance



iv) The Protection of Children from Harm

3.2 In addition regard must be made to government guidance and the authority's Licensing policy. These are the relevant extracts:

Home office Guidance [Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) :

**Section 9 - Considering cases where licensing and planning applications are made simultaneously**

*9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs*

The Councils' Statement of Licensing Policy :

**Section 15 Planning**

*The licensing authority usually expects applicants to ensure that they have planning consent for the intended use and hours of application, or otherwise have lawful status, before making an application for a premises licence, to avoid any conflict between planning and licensing.*

*It is strongly recommended that prospective licence applicants contact the relevant Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.*

3.3 Officers from the Brecon Beacons National Park Planning Authority have been contacted about the hearing and invited to further comment or attend the hearing. Their response is contained at **Annex F**

3.4 The options available are to;

- a) grant the application as submitted by the applicant without modification, with the exception of the inclusion of mandatory conditions made under Section 19, Licensing Act 2003 (Supply of Alcohol); or
- b) grant a licence with modified conditions; or
- c) reject the whole or part of the application.

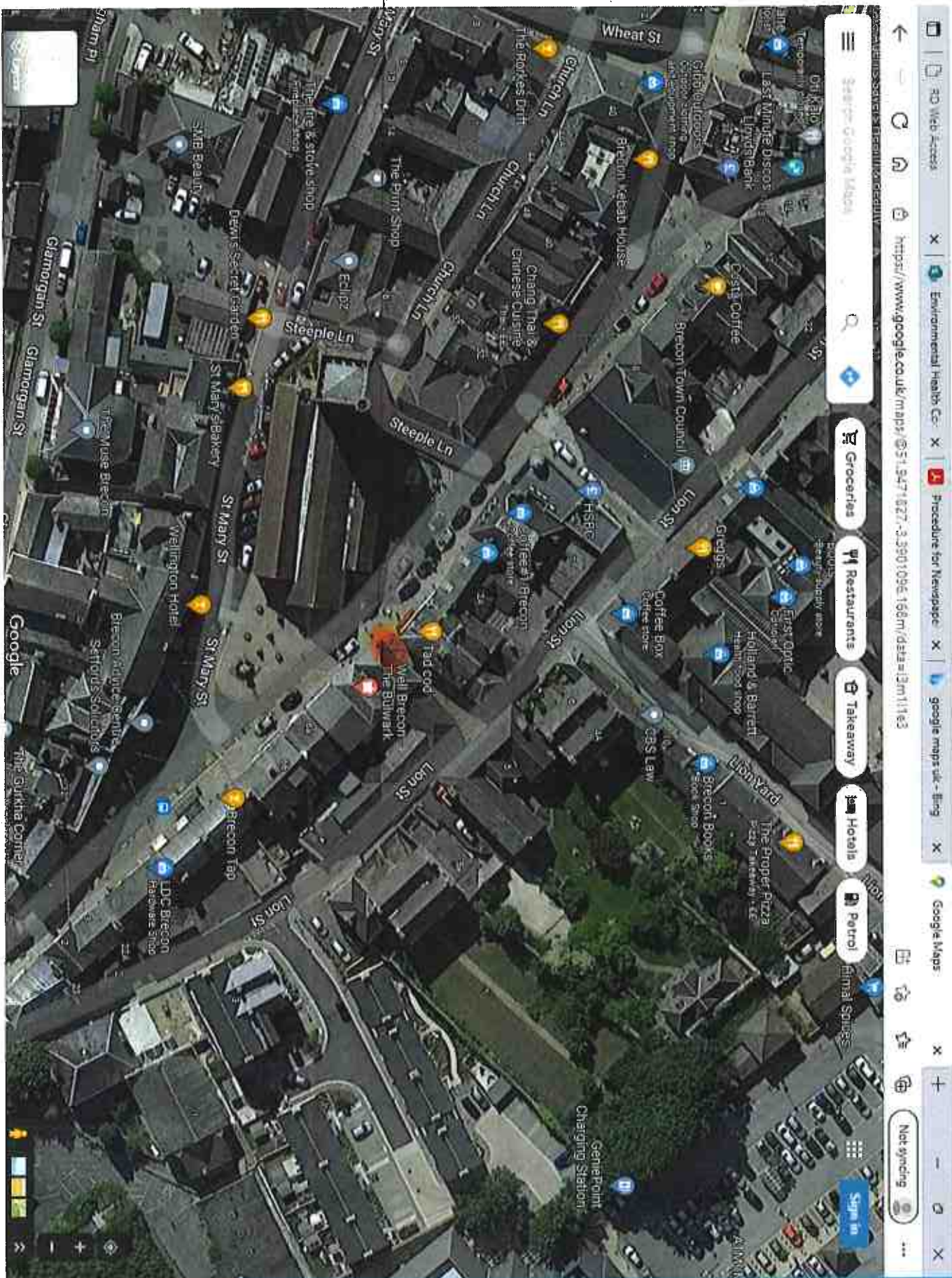
**4. DETERMINATION**

4.1 The Licensing Sub-Committee is requested to determine the application.

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

Annex A

Premises





Tudalen 10

Cyngor Sir Powys County Council



FORM 9

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

Once completed please send your application to: -

CYNGOR SIR POWYS COUNTY COUNCIL  
The Licensing Officer

Council Offices Neuadd Brycheiniog	Council Offices Y Gwalia	Council Offices Neuadd Maldwyn
Cambrian Way	Ithon Road	Severn Road
Brecon	Llandrindod Wells	Welshpool
Powys LD3 7HR	Powys LD1 6AA	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 MRS ANNE DAVIES & MRS CATRIN PRICE  
(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.	
COUNTRY KITCHEN PEGASUS LANE	
Post town	Post code
BRECON	LD3 7BH
Telephone number of premises (if any)	
£ Non-domestic rateable value of premises	£ 14,000. under Review

<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: Mr. <u>(Mrs)</u> Miss. Ms. Other title (for example, Rev)			
Surname	PRICE		
Forenames	CATRIN HAF		
Are you over 18	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Date of Birth
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			

DETAILS of SECOND INDIVIDUAL NOTICE GIVER (If Applicable)			
Name			
Delete as appropriate: Mr. <u>(Mrs)</u> Miss. Ms. Other title (for example, Rev)			
Surname	DAVES		
Forenames	SARAH ANNE		
Are you over 18	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
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?	01	12	2021
If you wish the licence to be valid only for a limited period, when do you want it to end?			
If 5,000 or more people are expected to attend the premises at any one time please state the number expected to attend.	N/A		
Please give a general description of premises (Please read guidance note 1)			
Delicatessant selling alcohol, with a bistro to seat 20.			

**What licensable activities do you intend to carry on from the premises?**

Application for a Premises Licence – Updated 28/01/2019



<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 <i>Am</i>	NO ✓
	<b>Please tick ✓</b>	
Provision of late night refreshment (if ticking yes, fill in box I)	YES ✓	NO
Sale / Supply of alcohol (if ticking yes, fill in box J)	YES ✓	NO

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

<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			Please give further details here (please read guidance note 4)			
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 5)		
Thur						
Fri				Non-standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list. (please read guidance note 6)		
Sat						
Sun						

[BOX B] FILMS 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) Please give further details here (please read guidance note 4)	Indoors
Day	Start	Finish		Outdoors
Mon				
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)	
Thur				
Fri			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list. (please read guidance note 6)	
Sat				
Sun				

[BOX C] INDOOR SPORTING EVENTS Standard days and timings (please read guidance note 7)			Please give further details here (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed			
Thu			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)
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		
Mon			Please give further details here (please read guidance note 4)	Both		
Tue						
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur						
Fri				Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 6)		
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	✓
Day	Start	Finish		Outdoors	
Mon	/	/	Please give further details here (please read guidance note 4) <i>This is not something we are planning to hold, but have marked in case</i>	Both	
Tue	/	/			
Wed	17:00	22:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur	17:00	22:00			
Fri	17:00	22:00	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)		
Sat	07:30	22:00			
Sun	10:00	22:00			

[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
Day	Start	Finish		Outdoors
Mon	01:30	14:00	Please give further details here (please read guidance note 4) <i>Background music eg Radio</i>	Both
Tue	01:30	17:00		
Wed	01:30	17:00		State any seasonal variations for playing recorded music (please read guidance note 5)
Thur	01:30	00:00		
Fri	01:30	00:00		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)
Sat	01:30	00:00		
Sun	01:30	00:00		

[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
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 4)	Both
Tue				
Wed				State any seasonal variations for the performance of dance (please read guidance note 5)
Thur				
Fri				Non-standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 6)
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>			Please give a description of the type of entertainment you will be providing		
<b>Day</b>	<b>Start</b>	<b>Finish</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>Indoors</b>	
<b>Mon</b>				<b>Outdoors</b>	
			Please give further details here (please read guidance note 4)	<b>Both</b>	
<b>Tue</b>					
<b>Wed</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>Thu</b>					
<b>Fri</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>Sat</b>					
<b>Sun</b>					

<b>[BOX I] LATE NIGHT REFRESHMENT Standard days and timings (please read guidance note 7)</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>Day</b>	<b>Start</b>	<b>Finish</b>		<b>Indoors</b>	<input checked="" type="checkbox"/>
<b>Mon</b>				<b>Outdoors</b>	
			Please give further details here (please read guidance note 4)	<b>Both</b>	
<b>Tue</b>					
<b>Wed</b>			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
<b>Thur</b>	01:30	00:00			
<b>Fri</b>	01:30	00:00	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>Sat</b>	01:30	00:00			
<b>Sun</b>	10:30	00:00			

<b>[BOX J]</b>	Will the sale of alcohol be for consumption on	<b>On</b>	
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Application for a Premises Licence – Updated 28/01/2019

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>	
Day	Start	Finish	Off	Both
Mon	07:30	17:00		<input checked="" type="checkbox"/>
Tue	07:30	17:00		
Wed	07:30	17:00		
Thur	07:30	00:00		
Fri	07:30	00:00		
Sat	07:30	00:00		
Sun	09:30	00:00		

State any seasonal variations for the supply of alcohol (please read guidance note 5)

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)

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: PRICE

Forenames: CATRIN HAF

Are you over 18:  Yes  No

Place of Birth: \_\_\_\_\_

CURRENT ADDRESS of Designated Premises Supervisor if different from premises

\_\_\_\_\_

[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)

\_\_\_\_\_

[BOX L] HOURS PREMISES ARE OPEN TO THE PUBLIC Standard days and timings (please read guidance note 7)			State any seasonal variation (please read guidance note 5)
Day	Start	Finish	
Mon	07.30	14.00	Shop open hours will be 07.30 - 17.00 with a private function room upstairs
Tue	07.30	17.00	
Wed	07.30	17.00	
Thu	07.30	00.00	
Fri	07.30	00.00	
Sat	07.30	00.00	
Sun	09.00	02.00	

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)

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

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

Ensure safety, drinking appropriately but mainly for sale of bottled alcohol.

**b) The prevention of crime and disorder**

Markers will be placed to remind people of their surroundings, and ensure everyone is well behaved.

**c) Public safety**

Remind people of surroundings and ensure they have company when departing

**d) The prevention of public nuisance**

Request for people to leave in an orderly fashion and keep the noise down

e) The protection of children from harm

Any children on the premises will be with their parents.

CHECKLIST: Please Tick or insert "YES" in the boxes below to indicate agreement	
• I have made or enclosed payment of the fee	<input checked="" type="checkbox"/>
• I have enclosed a plan of the premises	<input type="checkbox"/>
• I have sent copies of this application to responsible authorities and others where applicable	<input type="checkbox"/>
• I have enclosed the consent form completed by the individual I wish to be the Designated Premises Supervisor, if applicable	<input type="checkbox"/>
• I understand that I must now advertise my application	<input checked="" type="checkbox"/>
• I understand that if I do not comply with the above requirements my application will be rejected	<input checked="" type="checkbox"/>
• [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).	<input type="checkbox"/>

**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.

Declaration

- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Signature

Date

Capacity

INDIVIDUAL

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.

Signature

Date

Capacity

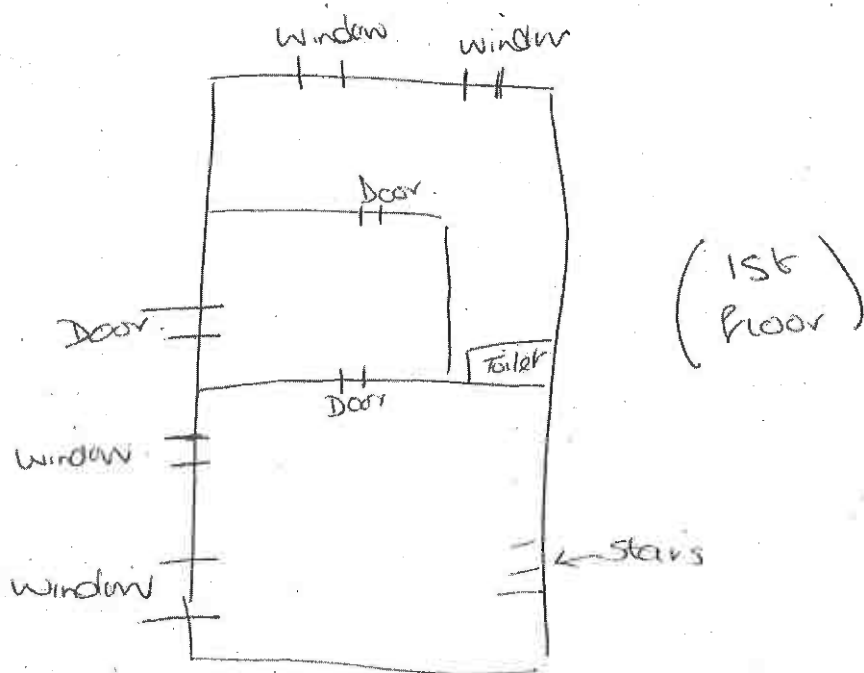
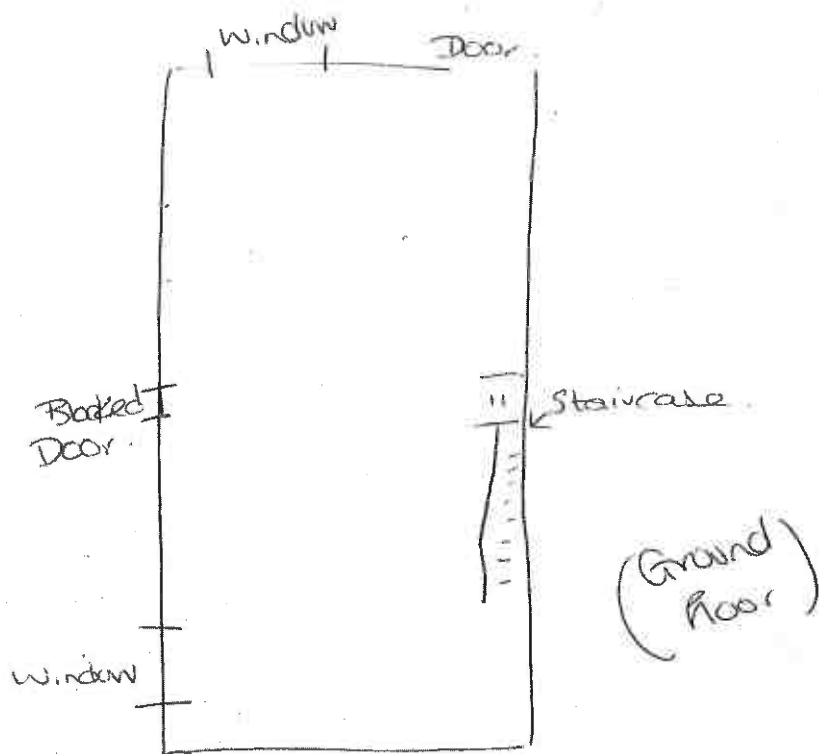
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post Town

Postcode

Telephone number

E-mail address (optional)





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ANNEX C

**From:** Kathy Jenkins <Kathy.Jenkins@beacons-npa.gov.uk>  
**Sent:** 15 December 2021 13:30  
**To:** Susan Jones <susan.jones@powys.gov.uk>  
**Cc:** Enforcement <enforcement@beacons-npa.gov.uk>  
**Subject:** License consultation response - Country Kitchen Deli & Bistro, Brecon

Good afternoon,

Please see attached consultation response from the Brecon Beacons National Park Authority.

Regards

Kathy

**Miss Kathy Jenkins**  
**Planning Technician (Enforcement)** *Technrgydd Cynllunio (Gorfodaeth)*  
Brecon Beacons National Park Authority/Awdurdod Parc Cenedlaethol Bannau Brycheiniog  
Plas y Ffynnon  
Cambrian Way/Ffordd Cambrian  
Brecon/Aberhonddu  
LD3 7HP  
Mobile/Symudol: 07854997546



***My working days are generally Tuesdays, Wednesdays, Thursdays and Fridays***

Email: [enforcement@beacons-npa.gov.uk](mailto:enforcement@beacons-npa.gov.uk)  
Website: [www.breconbeacons-npa.gov.uk](http://www.breconbeacons-npa.gov.uk)



**Creu Lleoedd Cymru**  
**Placemaking Wales**

Llofnodydd y Slarter Charter Signatory

*Sylwch: Mae'r holl staff y Parc Cenedlaethol bellach yn gweithio gartref ac mae'r brif swyddfa yn Aberhonddu (Plas y Ffynnon) ar gau i'r cyhoedd. Os nad oes gennych linell uniongyrchol ar gyfer swyddog, ffoniwch y Dderbynfa ar 07973 781479 neu 07973 781510.*

*Please note that all National Park staff are now working from home and the main office in Brecon (Plas y Ffynnon) is closed to the public. If you do not have a direct line for an officer please phone Reception on 07973 781479 or 07973 781510.*

Mae'r e-bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddsbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig gan y Cyngor. This e-mail and any attachments are confidential and intended for the named recipient only. The content may contain privileged information. If it has reached you by mistake, you should not copy, distribute or show the content to anyone but should contact Powys County Council at once. Any content that is not pertinent to Powys County Council business is personal to the author, and is not necessarily the view of the Council.





Principle Licensing Officer  
 Licensing Section  
 Licensing Team Powys County Council  
 susan.jones@powys.gov.uk

**From:** Plas y Ffynnon, Cambrian Way,  
 Brecon, Powys, LD3 7HP  
**Tel:** (01874) 620431  
**Email:** enforcement@beacons-npa.gov.uk  
**NPA Ref:** 21/20616/LIC  
**Date:** 15 December 2021

Dear Sir/Madam,

<b>Application for premises licence: Licensing Act 2003</b>	
<b>Applicant:</b>	<b>Mrs Anne Davies And Mrs Catrin Price</b>
<b>Site Address:</b>	<b>Country Kitchen Deli &amp; Bistro, Pegasus Lane, Brecon Powys LD3 7BH</b>

I am writing to advise you that the Brecon Beacons National Park Authority ("the Authority") as the local planning authority, has received the above mentioned licence application on the 29.11.2021.

Given NRW Evidence Report 489 (Jan 2020) as competent authority, please consider the impact of this proposal on the River Usk Special Area of Conservation.

<https://cdn.cyfoethnaturiol.cymru/media/693025/compliance-assessment-of-welsh-sacs-against-phosphorus-targets-final-v10.pdf?mode=pad&rnd=132557227300000000>

<https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

Following a planning constraints check it has been established that the use class of this property is currently A1- Retail. Regarding planning permission and the use of the building, whilst the delicatessen is considered to be within A1 use class, the proposed bistro is considered an A3 use and planning permission for mixed use (A1 and A3) is usually required. During the pandemic, a relaxation of the requirement for planning permission is being trialled and the above change of use is currently deemed Permitted Development (if in the Town Centre) for 6 months from the day the use begins, or until 29/04/2022;

<https://gov.wales/coronavirus-covid-19-new-temporary-permitted-development-rights-support-economic-recovery-html>

Any proposal to take advantage of the permitted development rights would require to be notified to the LPA prior to commencement and would also require to be given prior approval under Regulation 75 to 77 of the The Conservation of Habitats and Species Regulations 2017 (as amended).

It is noted that this A3 use is yet to begin; I therefore ask that you make the licence applicant aware of the planning requirements outlined above. It may not be an acceptable change if likely effects on the SAC cannot be ruled out. The first step would be to notify the LPA of their intention, in accordance



Awdurdod Parc Cenedlaethol Bannau Brycheiniog  
 Plas y Ffynnon, Ffordd Cambrian, Aberhonddu, Powys, LD3 7HP  
 Ffôn: (01874) 624437  
 E-bost: yn@beacons-npa.gov.uk  
 Safle ar y we: www.beacons-npa.gov.uk

Brecon Beacons National Park Authority  
 Plas y Ffynnon, Cambrian Way, Brecon, Powys, LD3 7HP  
 Telephone: (01874) 624437  
 E-mail: enq@beacons-npa.gov.uk  
 Website: www.beacons-npa.gov.uk



with Schedule 2, Part 4A, Class C of the above Order (GPDO) (as specifically amended by The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021), upon which further information can be provided directly.

Additionally, this building is a Grade II Listed Building, any internal or external works/alterations may require Listed Building Consent.

It is recommended that the National Park Planning department is contacted for further advice and information – [planning.enquiries@beacons-mpa.gov.uk](mailto:planning.enquiries@beacons-mpa.gov.uk).

Yours sincerely,

Enforcement Technician

***Yr ydym yn croesawu gohebiaeth yn y Gymraeg. Bydd unrhyw ohebiaeth yn y Gymraeg yn cael ei ateb yn y Gymraeg a ni fydd unrhyw gyswllt trwy gyfrwng y Gymraeg yn arwain at oedi yn y mater sy'n cael ei drin.***

***We welcome correspondence in Welsh. Any correspondence in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in the matter being dealt with.***



Awdurdod Parc Cenedlaethol Bannau Brycheiniog  
Plas y Ffynnon, Ffordd Cambrian, Abertorridfa, Powys, LD3 7HP  
Ffôn: (01874) 624437  
E-bost: [ynholiadau@beacons-mpa.gov.uk](mailto:ynholiadau@beacons-mpa.gov.uk)  
Safle ar y we: [www.beacons-mpa.gov.uk](http://www.beacons-mpa.gov.uk)  
Mae'r Awdurdod yn croesawu gohebiaeth yn y Gymraeg.

Brecon Beacons National Park Authority  
Plas y Ffynnon, Cambrian Way, Brecon, Powys, LD3 7HP  
Telephone: (01874) 624437  
E-mail: [enquiries@beacons-mpa.gov.uk](mailto:enquiries@beacons-mpa.gov.uk)  
Website: [www.beacons-mpa.gov.uk](http://www.beacons-mpa.gov.uk)  
The Authority welcomes correspondence in Welsh or English.

Susan Jones

---

**From:** Lord Hill  
**Sent:** 17 December 2021 18:17  
**To:** Licensing  
**Subject:** Objection New Premises Licence.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Sue

You don't often get email from [redacted]. [Learn why this is important](#)

Application for a New Premises Licence.  
Country Kitchen Bistro,  
Pegasus Lane,  
Brecon  
LD3 7BH

I am writing to lodge my objections to the above application.

My objections are listed below and Supported by the following Convention.

European Convention of Human Rights.

Article 1. abridged

A person should be allowed the peaceful enjoyment of their life, possessions and property.

Article 8. abridged

No person should be deprived of the right to the peaceful enjoyment of their life, possessions and property by the action or inaction of a Government or its officers.

Objection.

The proposed licensed premises is on a quiet semi residential street. This would add a noise nuisance to the residents of the street.

The second floor of the premises is abutting private accommodation. The licence should not be granted, on the grounds this would cause unwanted disturbance to the residents. Denying them the lawful right to the peaceful enjoyment of their property.

At time of writing, planning consent has neither been sort or granted for the change of use. As consent was refused for a similar application in the past (ECHR) noise nuisance. It seems plausible that it will also be refused again.

At present there is no need for a license to be granted. Until planning is granted.

Closing argument.

The license should not be considered.

As there is no need for one. No planning Consent..

That the granting, would breach the European Convention of Human Rights.

Lord Hill





ANNEX E

**Susan Jones**

**From:** Lord Hill  
**Sent:** 24 December 2021 15:46  
**To:** Licensing  
**Subject:** Re: Objection New Premises Licence.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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Ms Jones

Thank you for your timely response.

As it would be difficult formulating a legal argument against .  
No objection would be mounted for the Ground Floor, Deli  
Operating an Off License, during standard business hours of 08.00hrs – 18.00/18.30hrs.  
Later hours may be contested as this may amount to a noise nuisance.

As the Second Floor A3. Has previously been objected by the BBNP.  
ECHR Noise Nuisance.

17/14465/FUL  
Dugans Patisserie  
Pegasus Lane  
Brecon

Proposed change of use of  
ground floor and first floor shop  
to a mixed used comprising of  
retail use (A1) and cafe (A3)

E:304556  
N:228554

The objection for the Bistro "On License" stands

Lord Hill

---

**From:** Susan Jones <susan.jones@powys.gov.uk> on behalf of Licensing <licensing@powys.gov.uk>  
**Sent:** 22 December 2021 11:08  
**To:** Lord Hill  
**Subject:** RE:

Dear Lord Hill,

In respect of your objections below I have spoken to the applicants about your concerns.  
The application is for both the retail shop on the ground floor (off sales only) and for the first floor (currently not in use) they plan on making into a small bistro and have applied to make on-sales of alcohol here.

Tudalen 31

They are aware that they will need change of use from the planning authority for the bistro and they are already engaged with BBNP about that, a separate planning application will be required.  
They would not lawfully be able to operate the bistro and sell alcohol without both the required planning permission and licence in place.

They have offered to amend the hours of the bistro from a terminal hour of midnight (Thurs -Sun) to 22.00 hours (Thurs – Sun). Does this assist at all? would you be prepared to reconsider your objection on this basis? If not is there any amendment to the application that you would find more acceptable?


Please can you let me know your thoughts.

I am attempting to see if there is a amendment to the application that would be acceptable to both parties so that the need for a licensing hearing can be dispensed with.

Regards

Sue Jones

Senior Licensing Officer/Uwch Swyddog Trwddedu

 Tîm Trwyddedu – Cyngor Sir Powys  
Licensing Team – Powys County Council

 (Rhif ffôn / Tel no. 01597 827389

(Cyfeiriad ebost / [susan.jones@powys.gov.uk](mailto:susan.jones@powys.gov.uk))

*Croesawu gohebiaeth yn Gymraeg / We welcome correspondence in Welsh*



**Byw, dysgu, gweithio a chwarae ym Mhowys**  
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×

**From:** Lord Hill   
**Sent:** 17 December 2021 18:17  
**To:** Licensing <[licensing@powys.gov.uk](mailto:licensing@powys.gov.uk)>  
**Subject:** Objection New Premises Licence.

Tudalen 32

**Susan Jones**

---

**From:** Kathy Jenkins <Kathy.Jenkins@beacons-mpa.gov.uk>  
**Sent:** 12 January 2022 10:20  
**To:** Susan Jones  
**Cc:** Enforcement  
**Subject:** License consultation response - Country Kitchen Deli & Bistro, Brecon

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning,

Thank you for your email.

I can confirm that the National Park Planning Department has not been contacted by the license applicants following our consultation comments.

If an application is forthcoming it would be measured against relevant National Policy and Local Development Plan (2013) Policy.

In relation to opening hours I confirm that a standard approach taken by the National Park is 9am -5pm Mondays to Saturdays, with more limited hours on Sundays and Bank Holidays - 10am - 4pm.

If an application is forthcoming I can confirm that it would be expected to be a delegated decision. It would only be taken to a Planning Committee for decision if it was considered to be in the public interest to do so or if it was called in by a member of the Authority.

I have consulted my senior colleagues regarding participation in the hearing and I will be in touch if anyone would like to attend.

Regards

Kathy

Miss Kathy Jenkins  
Planning Technician (Enforcement) Technrgydd Cynllunio (Gorfodaeth)  
Brecon Beacons National Park Authority/Awdurdod Parc Cenedlaethol Bannau Brycheiniog  
Plas y Ffynnon  
Cambrian Way/Ffordd Cambrian  
Brecon/Aberhonddu  
LD3 7HP  
Mobile/Symudol: 07854997546

Email: [enforcement@beacons-mpa.gov.uk](mailto:enforcement@beacons-mpa.gov.uk)  
Website: [www.breconbeacons-mpa.gov.uk](http://www.breconbeacons-mpa.gov.uk)

Sylwch: Mae'r holl staff y Parc Cenedlaethol bellach yn gweithio gartref ac mae'r brif swyddfa yn Aberhonddu (Plas y Ffynnon) ar gau i'r cyhoedd. Os nad oes gennych linell uniongyrchol ar gyfer swyddog, ffoniwch y Dderbynfa ar 07973 781479 neu 07973 781510.

Please note that all National Park staff are now working from home and the main office in Brecon (Plas y Ffynnon) is closed to the public. If you do not have a direct line for an officer please phone Reception on 07973 781479 or 07973 781510.

**From:** Susan Jones <[susan.jones@powys.gov.uk](mailto:susan.jones@powys.gov.uk)> on behalf of Licensing <[licensing@powys.gov.uk](mailto:licensing@powys.gov.uk)>  
**Sent:** 05 January 2022 16:33  
**To:** Kathy Jenkins <[Kathy.Jenkins@beacons-mpa.gov.uk](mailto:Kathy.Jenkins@beacons-mpa.gov.uk)>

Cc: Enforcement <enforcement@beacons-npa.gov.uk>

Subject: RE: License consultation response - Country Kitchen Deli & Bistro, Brecon

Hi Kathy,

This application is proceeding to a hearing as we have had objections from a resident on the grounds of potential noise nuisance (for the bistro element) . I'm in the process of drafting the report for the panel to consider. I will include your comments about the planning status that have already been passed onto the applicants.

On making reference to the Home office Guidance document Revised Guidance issued under section 182 of the Licensing Act 2003 (publishing.service.gov.uk) it says:

Considering cases where licensing and planning applications are made simultaneously 9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs

Is there any thing I can add to the report from a BBNP perspective? – have the applicants approached you at all about the change of use required?

With a view to agreeing acceptable operating hours or conditions on the licence is there anything likely to be mutually acceptable that would give the panel some steer on this?

Of course, planning and licensing are sperate regimes and I will highlight this to the panel and the applicant that both consents will be required to lawfully operate, just wondering if it is better to avoid anomalies with the planning and licence, although I guess it is unavoidable if the planning decision will ultimately not be an officer one.

If there is any merit or you wish to particate the hearing please let me know

Regards

Sue

Senior Licensing Officer/Uwch Swyddog Trwddedu

?

Tim Trwyddedu – Cyngor Sir Powys  
Licensing Team – Powys County Council

(Rhif ffôn / Tel no. 01597 827389

(Cyfeiriad ebost /[susan.jones@powys.gov.uk](mailto:susan.jones@powys.gov.uk))

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