

LICENSING (2003 ACT) SUB COMMITTEE

1st September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE HEAD OF LEGAL SERVICES
– C.A. JOHN**

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-010905-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
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1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 001879 Premises Name: Royal Exchange Inn Premises Address: 107 Briton Ferry Road, Neath, SA11 1AS	2-10	Neath East

1.1. Licence Application for Transitional Premises Licence

Ref.No.: 1879 Wards Neath East
Affected:
Premises Name: Royal Exchange Inn
Premises 107 Briton Ferry Road, Neath, SA11 1AS
Address:
Applicant Name: Mrs Debra Walters
Applicant The Royal Exchange, 109 Briton Ferry Road, Neath, SA11 1AS
Address:
DPS Name: Mrs Debra Walters
DPS Address: The Royal Exchange, 109 Briton Ferry Road, Neath, SA11 1AS
Application Date: 07/07/2005

1.2. Conversion Application

The premises have traded as a public house for many years and are entitled to a premises licence for the sale of alcohol with the previous permitted hours becoming conditions of the new licence. The relevant licensable activities are presently:-

The Sale of alcohol	Monday to Saturday	10.00 - 23.00
	Sunday (on and off premises)	Noon - 22.30

The above are subject to the provisions and restrictions of the Licensing Act 1964.

1.3. Variation Application

The applicant seeks to extend the licensing activities as follows:-

Supply of Alcohol:
Monday to Saturday 07:00 02:00
Sunday 07:00 23:00

Non-standard Timings:

The premises will be open to watch major sporting events televised live e.g. Lions test.

Outside drinking would be stopped and customers asked to come in by 22:30pm.

Opening Hours:
Monday to Saturday 07:00 02:30
Sunday 07:00 23:30

Films:
Monday to Sunday 11:00 23:00

Indoor Sports - times as above

Live Music:
Monday to Sunday 07:00 23.00

Recorded Music:
Monday to Saturday 11:30 23.00
Sunday 11:30 23:00

Performance of Dance - times as above

Activity like Music/Dance
Monday – Saturday 11.00 – 23.00
Sunday 11.00 – 23.00

Facilities for Dance
Monday – Saturday 11.30 – 23.00
Sunday 11.30 – 23.00

Facility like Music/Dance - times as above

Late Night Refreshment:
Monday to Saturday 23:00 02:00

1.4. Background Information

The Royal Exchange is situated on a busy main road, right next to a crossroads with a pelican crossing right outside.

The pub itself is open plan with only one bar, the lounge area is used as a restaurant only, with the bar area being the main area of the pub.

The pub also has a skittle alley which is used regularly.

1.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives

Every care will be taken by myself for all four licensing objectives to be carried out.

All staff will be made aware and supervised when possible to ensure this.

The Prevention of Crime & Disorder

To ensure that at all times there will be an effective and responsible manager on duty at the premises when it's open for licensable activities.

Ensure all staff are trained and properly supervised.

Ensure all staff are vigilant to prevent the use or supply of illegal drugs.

Public Safety

I will at all times make sure the pub does not become overcrowded.

To provide appropriate training and supervision of those employed or engaged to secure the safety of the premises and patrons including the disabled and infirm.

To provide toughened or plastic drinking vessels for consumption outside the premises.

The Prevention of Public Nuisance

To ensure that any refuse is stored and disposed of appropriately.

Taxis have been asked to park along side of the pub and not outside neighbours houses.

Door and windows will be closed by 22:30 hours to prevent noise affecting those living around the pub.

All staff are aware of steps to take with nuisance customers.

The Protection of Children from Harm

Staff are aware that it is prohibited to sell tobacco or alcohol to under age children.

Children on the premises should be accompanied by a responsible adult.

Proof of age should be asked for when in doubt.

Restriction notices of sale of alcohol to be displayed appropriately.

1.6. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

1.7. Interested Parties Representations

See Appendix 2.

1.8. Policy Considerations

It is considered that the following policies are relevant to this application:

Statement of Licensing Policy

6.0 *Crime & Disorder*

6.6 *In addition to the requirements that the Council promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The council is required therefore to have particular regard to the likely impact of licensing*

on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule.

6.9 *The Council considers that certain types of premises are likely to require additional measures or conditions due to the nature, type and mode of operation. These would include premises, which sell alcohol and cater mainly for the 16-25 age group and provide regulated entertainment, or premises which provide events or entertainment mainly for children.*

In order to ensure the safety of patrons and other persons in the vicinity of the premises, the council suggests that operating schedules give consideration to the following measures and may require any or all of these measures to be implemented in the interests of minimising crime and disorder.

(i) Door Supervisors

The need for door supervisors is normally a matter, which is considered and determined by the applicant within the operating schedule. However, where an applicant has made no provision for providing door supervisors, but it is considered that they are essential to meet the crime and disorder or public safety objective the council may specify that the premises must provide registered door supervisors. The council may also require a duty log / register of door supervisors be kept for the premises. Where door supervisors are provided they must be licensed by the Security Industry Authority. Generally one door supervisor per 100 persons would be required to be present on the premises. However, additional supervisors may be necessary in certain situation, e.g. where there is a significant number of very young persons, or where there is a potential for boisterous or excitable behaviour, e.g. stag nights; football matches; celebrity visits. Applicants are advised to give consideration to these matters within the operating schedule as well as the days and hours of operation of the door supervisors.

(ii) CCTV

The provision of CCTV is a very useful tool in monitoring

premises to assist in ensuring the safety of patrons and preventing crime and disorder. The council may specify that a suitable system approved by the police and council, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV tapes should be kept for twenty-eight days and made available to the police and local authority officers at any time.

7.0 Public Safety

7.5 *Certain types of premises, due to the nature of activities being provided, may give rise to a significant risk if occupancy numbers are not set. The council following representations will consider setting occupancy limits particularly in respect of the following types of premises:*

- (i) night clubs/public houses providing regulated entertainment*
- (ii) theatres*
- (iii) cinemas*
- (iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.*

7.6 *The council following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to minimise crime and disorder.*

8.0 Prevention of Public Nuisance

8.3 *The Council may require applicants for premises licences to provide documented noise assessments with a view to minimising noise nuisance.*

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*

8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for*

the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.

8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

10.0 Licensing Hours

10.4 *The Council does not intend to introduce any form of zoning within the borough. Experience in other areas has shown that this can give rise to significant movements of people across boundaries seeking premises open later, and therefore could be counter productive to measures designed to support the licensing objectives. However, an important consideration is the number and proximity of residential properties and the council will require stricter noise control measures for premises in predominantly residential areas. It may also impose restrictions on licensing hours where it considers it necessary to avoid nuisance to residents.*

Secretary of State's Guidance

Public Safety

7.34 *“Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.*

Prevention of Public Nuisance

- 7.41 *Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of premises and the type of activities expected to take place there.*
- 7.42 *As with all conditions, it will be clear that conditions relating to noise nuisance may in certain circumstances not be necessary where the provisions of the Environmental Protection Act 1990 and of the Noise Act 1996 adequately protect those living in the vicinity of the premises in question. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.*
- 7.43 *Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.*

1.9. Officer's Report

The police representations express concern at the hours of operation in view of the location of the premises, and also the perceived impact on crime and disorder.

If members are minded to approve the hours requested then the police would wish to see conditions attached in respect of door supervisors, occupant capacity and use of CCTV.

Members must be satisfied that these conditions are appropriate for this premises.

The Police along with the residents also making representations relating to the prevention of public nuisance. The hours specified for music are not considered excessive, but it may be necessary to consider conditions which will minimise any noise and social nuisance from the premises

It is submitted however that the issue relating to car parking is not a relevant representation as it does not relate to any of the licensing objectives.

2.0 Recommendation

That members determine the application after taking into account the representations received.

List Of Background Papers

Application for Premises Licence.

Officer Contact

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Wards Affected

Neath East