

LICENSING (2003 ACT) SUB COMMITTEE

2ND MAY 2007

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

REPORT OF THE LICENSING MANAGER – J. M. SULLIVAN

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-020507-REP-FS-JS

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Applications		
Ref.No.: 005926 Description: Premises Licence Application Name: The Royal Queen Hotel Address: Royal Queen Hotel, Queens Road, Skewen, Neath, Neath Port Talbot, SA10 6UH	2 – 20	Coedffranc Central

1.4. Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Public Nuisance:

Clear sign outside the premises indicating for everybody leaving the premises to leave quietly as possible. We will not play loud music at any time, we will only play soft background music.

The Protection of Children from Harm:

We will ask for proof of age to anyone who seems under the age of 21 -
Ex: Driving licence - proof of age cards with photo.

1.5. Relevant Representations:

Responsible Authorities Representations

Fire Service

See Appendix 1

Interested Parties Representations

See Appendices 2, 3, 4, 5, & 6

1.6. Policy Considerations

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

Statement of Licensing Policy

7.0 Public Safety

7.3 *The Council requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and characteristics of the premises and events. Matters which should be considered by the applicant include:*

- *The occupancy capacity of the premises*
- *The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.*
- *The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature*
- *The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)*
- *Customer profile (e.g. age, disability)*
- *The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc*

7.4 *The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:*

- *Suitable and sufficient risk assessments*
- *Effective and responsible management of premises both within and in the vicinity of the premises.*
- *Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons*
- *Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and all patrons including the disabled and infirm.*
- *Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA BS 5588 part 8 means of escape for disabled*

persons).

- *Provision of effective CCTV in and around premises*
- *Provision of toughened or plastic drinking vessels*
- *Implementation of crowd management measures*
- *Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety*

8.0 Prevention of Public Nuisance

- 8.1 *Licensed premises, especially those operating late at night and in the early hours of the morning can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The council wishes to maintain and protect the amenity of residents and businesses from potential consequence of the operation of licensed premises. However it also recognises the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.*
- 8.2 *The Council will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be determined by the style and characteristics of the premises and events.*
- 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.*

Secretary of State's Guidance

Public Nuisance

- 7.39 *The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

- 7.40 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning for the Act's purposes. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.*
- 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.*
- 7.45 *In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises. Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in his own right. However, it would be perfectly reasonable for a licensing authority to impose a condition it considered necessary following relevant representations from a responsible authority or interested party that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living near-by to a peaceful night. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate.*

1.7. Officer's Report

The representations of the Fire Officer relate to the public safety objective. At present the premises are undergoing refurbishment and therefore all works required for fire safety are not in place.

The interested parties representations refer to concerns in respect of

litter, noise and disturbance from persons leaving the premises, together with problems caused by traffic - namely parking and congestion.

1.8. Recommendation

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

List of Background Papers

Application for premises licence.

Officer Contact

J M Sullivan, Licensing Manager

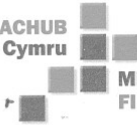
Tel no: (01639) 686326

e-mail: j.sullivan@npt.gov.uk

Wards Affected

Coedffranc Central

**GWASANAETH TÂN AC ACHUB
Canolbarth a Gorllewin Cymru**



**Mid and West Wales
FIRE AND RESCUE SERVICE**

Mr A Muhit
27 Richardson Street
Sandfields
Swansea
SA1 3JE

Gofynner am/
Please ask for:

Station Manager D.R. Harries

Rhif Est/Extn. No. 6611

E-bost/E-mail: neathporttalbot@mawwfire.gov.uk

Fy Nghyf/My Ref: DRH/AW/FS/501/01097

Eich Cyf/Your Ref:

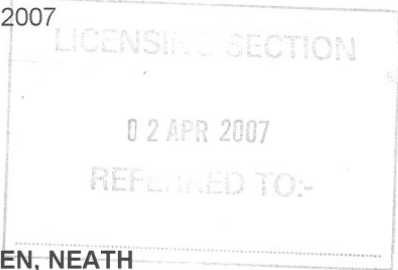
Dyddiad/Date: 28th March 2007

Dear Sir

LICENSING ACT 2003

APPLICATION FOR: PREMISES LICENCE

RE: ROYAL QUEENS HOTEL, QUEENS ROAD, SKEWEN, NEATH



On considering the outcomes of the partial fire safety audit carried out on 23rd March 2007, the Fire Authority deems it necessary to make Representations in respect of the Licensing Objective of Public Safety in connection with the above application.

The premises are currently not in use and are awaiting building works prior to occupation. A full fire safety audit was therefore, not possible.

Enclosed is a schedule of required works issued to the above premises in respect of potential contraventions of fire safety legislation. The Fire Authority will enforce the requirements of the schedule. However, the schedule forms the basis of our Representations and has therefore been forwarded to you under the auspices of the Licensing Act 2003. For the purpose of ascertaining if the provisions of The Regulatory Reform (Fire Safety) Order 2005 have been complied with, a further audit of the fire risk assessment and premises may be carried out at any reasonable time in the future.

Should you require any further advice or assistance, please do not hesitate to contact the above named officer.

Yours faithfully


 P R Crayford
Neath Port Talbot County Commander

Prif Swyddog Tân / Chief Fire Officer D. Mackay, M.Sc., M.I.Fire.E.

Heol Cimla Uchaf, Castell-nedd SA11 3UG

Upper Cimla Road, Neath SA11 3UG

☎ 0870 6060 699 ☎ 01639 641013 mail@mawwfire.gov.uk www.mawwfire.gov.uk

SCHEDULE

Royal Queens Hotel
Queens Road
Skewen

DRH/AW/FS/501/01097

Article 9 - Risk Assessment

"The responsible person shall make a suitable and sufficient assessment of the risks to which relevant persons are exposed to identify the preventive & protective measures".

1. The Regulatory Reform (Fire Safety) Order 2005 requires necessary fire precautions are put in place to protect relevant persons in case of fire in, and in the vicinity of all premises.

Responsibility for complying with the order rests with the 'responsible person'. In a workplace, this is the employer and any other person who may have control of any part of the premises, e.g. the occupier or owner. In all other premises the person(s) in control of the premises will be responsible.

The responsible person must:

- (a) Carry out a Fire Risk Assessment, the significant findings of which must be recorded if five or more persons are employed, if the premises are licensed or if an alterations notice is in force.
- (b) Appoint competent person(s) to assist in undertaking the preventative and protective measures.
- (c) Provide relevant information about risks and preventative and protective measures to all employees; non-employees (e.g. contract workers, students); the employer and all employees from an outside organisations who is/are working on the premises; and parents and other responsible for child employees.
- (d) Provide Employees with appropriate instruction and training.
- (e) Co-operate and co-ordinate with other responsible persons who have to an appropriate extent, control over premises in a building.
- (f) Provide a suitable means of contacting the emergency services.
- (g) Provide them with relevant information about dangerous substances.
- (h) Provide suitable systems of maintenance for fire safety equipment, including equipment provided for the use by the Fire and Rescue Service.

To assist you in complying with the legislation, I would draw your attention to Appendix A, which provides brief details, to assist in complying with the Order.

To further assist you, the Fire Safety Guide to Small and medium places of assembly ISBN-13: 978 1 85112 820 4 is available from the stationary office or via the Department for Communities and Local Government website (www.communities.gov.uk).

Article 10 - Principles of prevention to be applied

“Where the responsible person implements any preventative and protective measures he must do so on the basis of the principles specified in Part 3 of schedule 1 of the Regulatory Reform (Fire Safety) Order 2005”.

1. The staircase is to be separated from the kitchen area by fire resisting construction.

APPENDIX A

The Regulatory Reform (Fire Safety) Order, "the Order", came into force on the 1st October 2006. The Order repealed The Fire Precautions Act 1971 and revoked The Fire Precautions (Workplace) Regulations 1997, as amended.

This appendix provides brief details to assist with compliance with the Order. For further guidance please refer to the legislation and the Fire Safety Guide relevant to your premises, which is available from The Stationary Office or via the Department for Communities and Local Government website (www.communities.gov.uk).

Application.

The Order applies to all premises with the exception of single private dwellings and certain specific sites.

Responsible person.

The responsible person, who may be the employer in the case of a workplace, the person who has control of the premises or the owner, will be responsible for carrying out the duties required under the Order.

Duty to take general fire precautions.

The responsible person must:

- a) take such general fire precautions as will ensure, so far as is reasonably practicable, the safety of his/her employees; and
- b) in relation to relevant persons who are not employees, take such general fire precautions as may reasonably be required in the circumstances of the case to ensure that the premises are safe.

General fire precautions.

In relation to premises, "general fire precautions" means measures:

- a) to reduce the risk of fire and fire spread on the premises;
- b) in relation to means of escape from the premises;
- c) for securing that, at all material times, the means of escape can be safely and effectively used;
- d) in relation to the means for fighting fires on the premises;

- e) in relation to the means for detecting fire on the premises and giving warning in case of fire on the premises; and
- f) in relation to the arrangements for action to be taken in the event of fire on the premises, including
 - (i) measures relating to the instruction and training of employees; and
 - (ii) measures to mitigate the effect of fire.

Relevant persons.

In relation to The Order, "relevant persons" means:

- a) any person (including the responsible person) who is or may be lawfully on the premises; and
- b) any person in the immediate vicinity of the premises who is at risk from a fire on the premises.

Risk assessment.

The responsible person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions he/she needs to take to comply with the requirements and prohibitions imposed on him/her by or under The Order.

Any such assessment must be reviewed by the responsible person regularly so as to keep it up to date and particularly if:

- a) there is reason to suspect it is no longer valid; or
- b) there has been a significant change in the matters to which it relates.

Where such changes to an assessment are required as a result of any such review, the responsible person must make them.

As soon as practicable after the assessment is made or reviewed, the responsible person must record the prescribed information where:

- a) five or more people are employed;
- b) a licence under an enactment is in force in relation to the premises; or
- c) an Alterations Notice requiring this is in force in relation to the premises.

The "prescribed information" is:

- a) the significant findings of the assessment, including the measures which have been or will be taken by the responsible person pursuant to The Order; and
- b) any group of persons identified by the assessment as being especially at risk.

Enforcement.

Other than for some specific sites, the Fire and Rescue Authority, "the Authority", will be the enforcing authority for The Order. The Authority may, at any reasonable time, arrange to audit the premises and fire risk assessment to confirm compliance with The Order.

The Authority will work with the responsible person to ensure compliance with the Order, and allow him / her to propose alternative methods of complying with the legislation. However, in cases of non-compliance, the inspector will decide what enforcement action to take. The action will depend on the nature of the contravention and will be based on the principles set out in The Authority's Enforcement Policy Statement, which is available to view on business safety section of the Authority's website (www.mawwfire.gov.uk).

Inspectors may take action in several ways to deal with a contravention of the legislation. This includes the following:

- a) Notification of fire safety deficiencies.
- b) An Enforcement Notice.
- c) An Alterations Notice.
- d) A Prohibition Notice.

A person on whom an Enforcement Notice, an Alterations Notice or a Prohibition Notice is served may, within 21 days from the serving of the notice appeal to a Magistrates Court.

9 Queens Road,

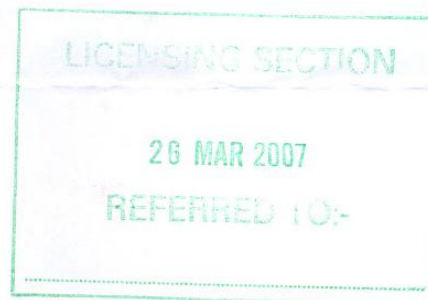
Skewen,

NEATH

SA10 6UH

22nd March 2007

Neath Port Talbot C.B.C.
Licensing Section
Civic Centre
NEATH
SA11 3QZ



For the Attention of Mr. N. Chapple

Dear Mr Chapple,

It has been brought to my attention that there is a possibility of an Indian Restaurant being opened on the site of the Royal Queens at Queens Road, Skewen.

May I submit the following in protest of this plan :-

1. I understand that application has been made for extended week-end license hours, i.e. until 12 midnight. This would mean that the premises would not be vacated until even later than 12.30.a.m., thus creating a severe disturbance to residents in the immediate area, the majority of whom are Old Age Pensioners.
2. There would be a vast amount of litter as I understand there is to be a take-away facility.
3. The element of noise would be very disturbing with taxis and various pick-ups in the early hours of the morning.

Will you please give further consideration to these factors.

Yours sincerely,



THELMA RUSHBY (Miss)

15 Queens Road

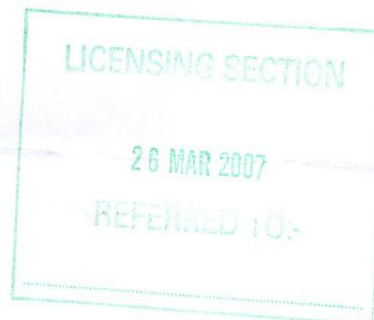
Skewen

NEATH

SA10 6UH

22nd March 2007

Neath Port Talbot C.B.C.
Licensing Section
Civic Centre
NEATH
SA11 3QZ



For the Attention of Mr. N. Chapple

Dear Mr Chapple,

I understand that there is a possibility of an Indian Restaurant to be opened on the site of the Royal Queens at Queens Road, Skewen.

As a resident of Queens Road I find this very disturbing especially as application has been made for week-end extended license hours up to midnight which would probably mean even later than 12.30.a.m.

I am sure it will be appreciated that the noise level at this hour would not only be annoying but would also be detrimental to the health of so many Old Age Pensioners in the area.

This is a residential area and there are little or no parking facilities which would mean several taxis and even buses adding to the disturbance. There is a Medical Centre on the street directly opposite and parking is already difficult for patients and even ambulances.

In addition the amount of litter would increase following the take-away facility.

Thanking you for your consideration.

Yours sincerely,

T.L. MORGAN

16 Queens Road

Skewen

NEATH

SA10 6UH

22nd March 2007

Mr N. Chapple
Neath Port Talbot C.B.C.
Licensing Section
Civic Centre
NEATH
SA11 3QZ

LICENSING SECTION

26 MAR 2007

REFERRED TO:-

Dear Sir,

As a resident of Queens Road, Skewen, I would like to protest to the proposed Indian Restaurant to be opened on the premises of the Royal Queens Hotel.

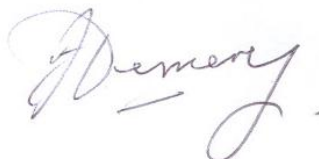
A restaurant of this type, especially with a take-away facility, would increase the amount of litter and, what is worse, the amount of noise and disturbance in a residential area.

If the application for extended license hours is successful this would mean increased noise with traffic etc. late in the evening and even the early hours of the morning.

The majority of the residents in Queens Road live in the twenty flats provided by the council for old age pensioners, some of whom live alone. These old people can easily be frightened by noise etc.

Thanking you for your help and consideration.

Yours faithfully,



J. DEMERY

LICENSING SECTION

30 MAR 2007

REFERRED TO:-

LICENSING OFFICER.

005926

Mr J. A. STEPHENS
58, GOETRE FAWR RD
KILLAY

SWANSEA
SA27QU.

28th MARCH 2007.

RE: ROYAL QUEEN
QUEEN'S ROAD
SKEWEN SA106UH.

Dear Sir,

I write on behalf of my Mother Violet STEPHENS of 17, Pentyla Flats, Queen's Road, Skewen, in my capacity as her Registered Carer.

I refer to the application made by MR Abdul MUHIT for a late night Refreshment Licence (including the sale of alcohol) to be granted to the above premises.

My Mother is a 84 year old widow who has suffered ill health for many years. Her flat is in close proximity to the Royal Queen.

She wishes to object to the application on the following grounds.

From past experience, she firmly believes

2.

That patrons leaving the premises at the end of the permitted "drinking-up" time at 12.30 am would probably be blissfully unaware that their very presence after a good night out would be in itself a disturbance to residents. In addition, the arrival of taxis to collect patrons would almost guarantee the impatient tooting of car horns from drivers eager to leave so as to ensure further 'calls' on a lucrative weekend night.

She would emphasise that Queen's Road and neighbouring Tabernacle Street are very much residential areas and that Pentylar Flats are purpose built flats for the elderly. She would therefore appeal to the Licensing Committee to restrict the end of permitted hours to 11.0 pm.

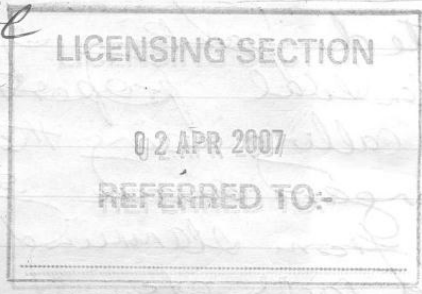
Yours faithfully
JAS

01792 426355
0774 9968419

23 Queens Road
Neath
SA10 6UH

24/3/07

Mr K Chappell
Licensing Section
Neath Port Talbot CBE
Civic Centre
Neath SA11 3UZ



Dear Mr Chappell

The reason for this letter is to protest
in response to a notice which has been
posted in the window of the Royal Queen
public house in Queens Road. The building
is next door to me to where my home is.

As residents we have endured many scenes of
fighting, abusive language, damaged vehicles,
noise from these persons, leaving, from late
drinking after hours. Being awoken by police
cars seems arriving at yet another disturbance.
Over the last two years, with the arrival of a
new landlord, who brought about a peaceful
existence in the street. Unfortunately with his
death, we are forced, yet again with change.

The possibility of an extended licence causes me
to think of all the above starting over again

Question: Why does Stensen need yet another restaurant and late night drinking.

I have lived in this street for 14 years and am aware that this public house was visited since my time but for the reasons given earlier, there are other factors to consider.

- Population of OAPs.
- Limited parking space
- Residential properties
- Taxis calling using their horns to make their passengers aware of their arrival
- Noise from slamming of car doors.
- Raised voices etc.
- Value of property and impact on the Community.

I would be extremely grateful if you would take all my objections raised when considering the application of the possibility of extending the licensing hours.

Thanking you in anticipation.

Yours sincerely
Mary Connor.