

LICENSING (2003 ACT) SUB COMMITTEE

2nd 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-020905-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
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1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 001882 Premises Name: The Big Cam Premises Address: 9 Windsor Road, Neath, SA11 1LS	2-9	Neath North

1.1. Licence Application for Transitional Premises Licence

Ref.No.: 001882 Wards Neath North
Affected:

Premises Name: The Big Cam
Premises 9 Windsor Road, Neath, SA11 1LS
Address:

Applicant Name: Mr Christopher Wilkinson
Applicant Cimla Court Hotel, 77 Cimla Road, Cimla, Neath, SA11 3UG
Address:

DPS Name: Mr Carl John Wilkinson
DPS Address: The Big Cam, 9 Windsor Road, Neath, SA11 1LS
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 Noon - 22.30
(on and off premises)

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 Sunday 11:00 02:00

Opening Hours:
Monday to Sunday 11:00 02:30

Films:
Monday to Sunday 11:00 02:00

Live Music - times as above

Recorded Music - times as above

Performance of Dance - times as above

Activity like Music/Dance - times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

Facility like Music/Dance - times as above

Late Night Refreshment:

Monday to Sunday 23:00 02:00

1.4. Background Information

The premises is a public house comprising one bar. It is 4 storey brick building on the corner of Alfred Street and Windsor Road directly opposite Railway Station and bus station close to main taxi rank.

1.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives

The prevention of crime & disorder:

CCTV to be installed.

No underage drinking notices displayed.

Zero tolerance drugs enforced.

Public Safety

Licensed door supervisors to be employed.

Fire test log in place for testing and maintenance of fire fighting equipment.

The Prevention of Public Nuisance

All doors and windows to be kept closed after 22:00.

Supervised admission after 22:00.

The Protection of Children from Harm

No children allowed.

Proof of age to be requested if any doubt.

1.6. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

Fire

See Appendix 2.

Environmental Health

See Appendix 3.

Interested Parties Representations

No representations.

1.7. Policy Considerations

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

Statement of Licensing Policy

- 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.

(iii) Glasses/Bottles

Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.

(iv) Drugs

Applicants are expected to be able to demonstrate that they can comply with Home Office Guidance “Safer Clubbing” and have an agreed protocol with the council and the police for dealing with illegal drugs found on their premises. Matters likely to be required may include: - condition of entry to all premises, drugs amnesty boxes, CCTV coverage, log of all seizures, stop and search policy, and the availability of free water.

6.10 The council may require any or all of the above measures in respect of any premises where it is considered necessary in the interests of minimising crime and disorder, as well as any other specific measures appropriate for the premises.

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.*

Secretary of State's Guidance

Crime & Disorder

7.26 *Text and radio pagers enabling premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police can provide for rapid response to situations of disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.*

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.

1.8. Officer's Report

Representations from the police indicate concerns in respect of the opening hours which could impact on the prevention of crime and disorder. Also it is proposed that door supervisors and an occupant capacity are necessary. The premises cater for the 18-25 age group and thus satisfy the criteria as set out in the licensing policy.

On a public safety/crime and disorder issue, the setting of an occupant capacity can also be considered.

With regard to the prevention of public nuisance, the recommendations of the Environmental Health Officer can be considered in view of the past history of the premises and its location near to residential properties.

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 North