

**LICENSING (2003 ACT) SUB COMMITTEE**

**3<sup>rd</sup> January 2006**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

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**PART 1 – Doc.Code: LICAS- 030106-REP-FS-CJ**

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## Fire Officer

See Appendix 2

## **Interested Parties Representations**

No representations

### **1.6. Policy Considerations**

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

#### Statement of Licensing Policy

### **6.0 *Crime & Disorder***

- 6.2. *The council acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The council expects the licensing trade to fully co-operate and play its part in minimising crime and disorder.*
- 6.5 *Applicants will be required to consider measures to prevent crime and disorder The following are examples of control measures that may need to be addressed in the operating schedule, having regard to their particular type of premises and/or activities: -*
- (a) Effective and responsible management of premises*
  - (b) Training and supervision of staff*
  - (c) The internal layout and the location of various pieces of equipment within premises, including the position of cash registers, gaming machines etc.*
  - (d) The provision location and suitability of any CCTV and the need for Police and local authority to have right of access to tapes.*
  - (e) The use of plastic or toughened drinking vessels.*
  - (f) The adequacy of staffing levels to maintain a safe environment.*
  - (g) Management policy and action in relation to people who become intoxicated or disorderly.*
  - (h) Participation in Pub watch or other similar schemes.*
  - (i) The controls in place to prevent the use or supply of illegal*

*drugs, including entry policies and search procedures.*

*(j) The policy/procedure in respect of age verification and preventing sales of alcohol to under age people.*

*(k) Adoption of best practice guidance (e.g. safer clubbing, Security by design etc)*

*(l) The likelihood of disorder, if a licence is granted.*

**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** *(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**

**7.3** *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*

*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.*

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.*

### **1.7. Officer’s Report**

Representations from the police refer to issues of crime and disorder, opening hours and the lack of any information provided to promote the licensing objectives.

Similarly the fire officer makes representations that no information is provided in respect of the public safety objective.

### **1.8. Recommendation**

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

**List of Background Papers**

Applicaton for Premises Licence

**Officer Contact**

J Sullivan Principal Officer Licensing

Tel (01639) 686326 email j.sullivan@npt.gov.uk

**Wards Affected**

Neath North



### **1.13. Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 3

##### Environmental Health

See Appendix 4

#### **Interested Parties Representations**

No representations

### **1.14. 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 (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.*

## **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.*

### Secretary of State's Guidance

## **6.0 Prevention of 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.*
- 7.43 *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.*

**1.15. Officer's Report**

The police make representations in respect of public nuisance and crime and disorder. The closure time is also considered to be excessive. The Environmental Health Officer refers to the potential for public nuisance and disturbance due to the hours sought and the location of the premises. Reduced operating hours are proposed.

**1.16. Recommendation**

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

**List of Background Papers**

Application for Premises Licence

**Officer Contact**

J Sullivan Principal Officer Licensing

Tel (01639) 686326 email j.Sullivan@npt.gov.uk

**Wards Affected**

Neath East



## **Interested Parties Representations**

No representations

### **1.22. Policy Considerations**

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

#### *Statement of Licensing Policy*

##### 6.9 (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.*

#### *Secretary of State's Guidance*

##### **Public Safety**

7.35 *“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.*

### **1.23. Officer's Report**

The police make representations in respect of crime and disorder, indicating that in view of the location of the premises CCTV should be provided.

### **1.24. Recommendation**

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

#### **List of Background Papers**

Application for Premises Licence

#### **Officer Contact**

J Sullivan Principal Officer Licensing  
Tel (01639) 686326 email [j.sullivan@npt.gov.uk](mailto:j.sullivan@npt.gov.uk)

#### **Wards Affected**

Port Talbot

### **1.25. Application for Premises Licence**

Ref.No.: 002760 Wards Neath North  
Affected:

Premises Name: Anarkali Tandoori Take Away  
Premises Address: 58 Windsor Road, Neath, West Glamorgan, SA11 1NH

Applicant Name: Mrs Shafna Begum  
Applicant Address: 10 Illyd Street, Neath, West Glamorgan, SA11 3HU

DPS Name:  
DPS Address:  
Application Date: 25/10/2005

### **1.26. Licence Application**

The applicant seeks to provide licensable activities as follows :-

Opening Hours - Standard Timings:  
Monday - Sunday 17.00 - 01.30

Late Night Refreshment:  
Monday - Sunday 23.00 - 01.00

### **1.27. Background Information**

Provided by applicant.

The premises is an Indian Takeaway. It has an open kitchen at the back and customer shop floor at the front.

### **1.28. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:  
Drunk people will not be allowed to get served.

The Prevention of Crime & Disorder:  
None

Public Safety:

We have three fire doors and fire extinguishers.

The Prevention of Public Nuisance:

None

The Protection of Children from Harm:

None

**1.29. Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 6

**Interested Parties Representations**

No representations

**1.30. Policy Considerations**

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

Statement of Licensing Policy

- 6.2 *The council acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The council expects the licensing trade to fully co-operate and play its part in minimising crime and 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 (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.*

**Public Safety**

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.*

Secretary of State's Guidance

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.*

### **1.31. Officer's Report**

The representations of the police relate to the operating hours which it is submitted will have a negative impact on the crime & disorder objective.

Matters relating to provision of CCTV and capacity are also addressed.

### **1.32. Recommendation**

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

#### **List of Background Papers**

Application for premises licence.

#### **Officer Contact**

J Sullivan Principal Officer Licensing  
Tel (01639) 686326 email j.sullivan@not.gov.uk

#### **Wards Affected**

Neath North



**1.36. Promotion of Licensing Objectives**

No information provided.

**8.3. Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 7

**Interested Parties Representations**

No representations

**8.4. Policy Considerations**

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

*Statement of Licensing Policy*

**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.*

## Secretary of State's Guidance

- 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.*

### **8.5. Officer's Report**

The police representations relate solely to the operating hours and the potential for nuisance from social disturbance.

### **8.6. Recommendation**

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

### **List of Background Papers**

Application for Premises Licence

### **Officer Contact**

J Sullivan Principal Officer Licensing  
Tel (01639) 686 326 email J.sullivan@npt.gov.uk

### **Wards Affected**

Taibach