

# LICENSING (2003 ACT) SUB COMMITTEE

3<sup>rd</sup> October 2005

## DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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### **1.1. Licence Application for Transitional Premises Licence**

Ref.No.: 002631 Wards Glynneath  
Affected:  
Premises Name: Crown Inn  
Premises High Street, Glynneath, Neath, SA11 5BR  
Address:  
Applicant Name: Punch Taverns Plc  
Applicant Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire,  
Address: DE14 2  
DPS Name: Mr John Luther Hughes  
DPS Address: 21 Gelliceibryn, Glynneath, Neath, SA11 5ED  
Application 04/08/2005  
Date:

### **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	10.00am - 11.00pm
	Sunday	Noon- 10.30pm
	(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 - Saturday 11:00 00:00

Sunday 12:00 23:30

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.  
To reflect existing New Year's Eve/Day hours.

Opening Hours - Standard Timings:

Monday - Saturday 11:00 00:30

Sunday 12:00 00:00

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Live Music:

Monday - Saturday 11:00 00:00

Sunday 12:00 23:30

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Recorded Music - times as above

Amplified recorded music ancillary to sale of alcohol.

Facility like Music/Dance - times as above

Amplified Karaoke ancillary to sale of alcohol.

#### **1.4. Background Information**

Provided by applicant:-

Public House situated in the village of Glynneath on the corner of High Street & Lancaster Close. Externally there is no car park, but

there is an enclosed beer garden to the rear. Internally the trade consists of an open plan public bar on the ground floor with a single bar servery. There is one AWP located to the rear of the trade area. There is no trade kitchen. Emergency lighting is installed and operational, emergency exits are indicated by illuminated signs, fire fighting equipment is installed and regularly serviced. The electrical installation is certified.

## **1.5. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

### **General - all four licensing objectives:**

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute drinking up time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances. AWP machines, cigarette machines and/or any other similar objects temporarily in a fixed location, which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

### **The Prevention of Crime & Disorder:**

Most customers are local.

We operate a zero tolerance policy to drugs and the users of drugs. Staff are required to provide proof of age if in doubt.

### **Public Safety:**

Emergency lighting is installed and operational, emergency exits are indicated by illuminated signs.

The electrical installation is certified.

Fire fighting equipment is installed and operational, emergency exits are indicated by illuminated signs.

Staff are aware of the needs of disabled customers and offer assistance when required.

### **The Prevention of Public Nuisance:**

Customers are requested to leave quietly and respect local residents.

Windows remain closed when music is played and all windows are double glazed.

### **The Protection of Children from Harm:**

No children are permitted in the premises.

Children are permitted if accompanied in the beer garden.

Nudity or partial nudity are not permitted at any time.

### **Relevant Representations:**

#### **Responsible Authorities Representations**

Police

See Appendix 1

Environmental Health

See Appendix 2

#### **Interested Parties Representations**

See Appendix 3

## **1.6. Policy Considerations**

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

### *Statement of Licensing Policy*

#### **8.0 *Prevention of Public Nuisance***

**8.3 *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

##### **Prevention of 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.*

### **1.7. Officer's Report**

Representations received from the police, environmental health officer and residents refer in the main to noise from music and social disturbance, although residents also have concerns in respect of anti-social behaviour.

Restrictions and conditions are proposed by the police and environmental health officer and then should be considered along with any other appropriate measures, following personal representations and the submissions of the applicant.

### **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 Sullivan Principal Officer Licensing  
Tel (01639) 686326 email j.sullivan@npt.gov.uk

### **Wards Affected**

Glynneath

## **2.0. Licence Application for Transitional Premises Licence**

Ref.No.: 002501                                  Wards                                  Neath East  
Affected:

Premises Name:      Johal Superstores  
Premises              40 Briton Ferry Road, Neath, West Glamorgan, SA11 1AA  
Address:  
Applicant Name:     Mr Manjit Singh Johal  
Applicant             Johal Superstores, 40 Briton Ferry Road, Neath, SA11 1AA  
Address:  
DPS Name:            Mr Manjit Singh Johal  
DPS Address:        Johal Superstores, 40 Briton Ferry Road, Neath, SA11 1AA  
Application          04/08/2005  
Date:

## **2.1. Conversion Application**

The premises have traded as an off licence 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	08.00 - 23.00
	Sunday	10.00 - 22.30
	(off premises only)	

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

## **2.2. Variation Application**

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

Supply of Alcohol:  
Monday - Sunday              00.00 - 23.59

Opening Hours - Standard Timings:  
Times as above.

## **2.3. Background Information**

Provided by applicant:-

Convenience store and off licence.



## 2.4. Promotion of Licensing Objectives

The following information has been provided by the applicant:

### General - all four licensing objectives:

Family run business, sell lottery, alcohol and other general items.  
Small bakery in store.

### The Prevention of Crime & Disorder:

Effective and responsible management of premises

CCTV camera's in store and effective use of video tapes if police need them.

The procedure in respect of age verification and preventing sales of alcohol to under age

Tapes kept for 28 days

### Public Safety:

The use of CCTV

Suitable and sufficient risk assessment

Fire extinguishers in place

Fire extinguishers tested yearly and maintained properly

### The Prevention of Public Nuisance:

Details of actions to be taken in the case of an emergency

### The Protection of Children from Harm:

To limit the hours that children may be present

Check I.D. or valid proof of age cards

## 2.5. Relevant Representations:

### Responsible Authorities Representations

Police

See Appendix 4

### Interested Parties Representations

See Appendix 5

## 2.6. Policy Considerations

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

### 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 *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.*

#### (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**

- 8.3 *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. Licensing Hours**

- 10.6 *Shops, stores and supermarkets will generally be permitted to sell alcohol, whilst the retail outlet is open for business. However, where there are good reasons for restricting the hours, e.g. where they are the focus of disorder and disturbance, then following police representations, a limitation of hours will be considered.*

### Secretary of State's Guidance

#### **Hours of Trading**

- 6.2 *It is recommended that shops, stores and supermarkets selling alcohol should generally be permitted to match the hours during which they may sell alcohol with their normal trading hours during which other sales take place, unless there are exceptional reasons relating to the licensing objectives, in particular the prevention of crime and disorder and public nuisance. Accordingly, if the law permits the shop to open for 24 hours or limits such opening, for example, on Sundays, the licensing authority should generally permit the sale of alcohol*

*during those hours unless there are very good reasons as to why it is necessary not to do so.*

- 6.3 *Some shops may however be known to be a focus for disturbance because youths congregate there and engage in nuisance and anti-social behaviour, including trying to pressurise shop staff to make unlawful sales of alcohol. Where relevant representations are made by an interested party or a responsible authority (particularly, the police) concerning applications for premises licences for such places, or in connection with existing licences, licensing authorities should consider a restriction on opening hours as one mechanism of combating such problems if this would be necessary.*

### ***Prevention of Nuisance***

- 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.*

## **2.7. Officer's Report**

Representations from the police relate to nuisance from social disturbance, and also suggest some measures to deal with public safety and crime and disorder.

A resident expresses concern at the hours sought and also submit that there is an existing problem in the area with persons frequenting the premises.

These issues should be considered after hearing any personal representations, and or submissions made by the applicant.

## **2.8. Recommendation**

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

### **List of Background Papers**

Application for Premises Licence

### **Officer Contact**

J Sullivan Principal Officer Licensing

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

**Wards Affected**  
Neath East

### **3.0. Application for Premises Licence**

Ref.No.: 002535 Wards Port Talbot  
Affected:  
Premises Name: Best Kebab  
Premises Address: 28 Station Road, Port Talbot, SA13 1JB  
Applicant Name: Mr Cafer Dilki  
Applicant Address: 89 Pendarvis Terrace, Port Talbot, SA12 6AX  
DPS Name:  
DPS Address:  
Application Date: 05/08/2005

### **3.1. Licence Application**

The applicant seeks to provide licensable activities as follows:-

Opening Hours - Standard Timings:  
Monday - Sunday 12:00 05:00

Late Night Refreshment:  
Monday - Sunday 23:00 05:00

### **3.2. Background Information**

Provided by applicant:-

Ground floor fast food takeaway.

### **3.3. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

#### **General - all four licensing objectives:**

To comply to a reasonable standard with the specific licensing objectives listed below in so far as they relate to a fast food takeaway (retailer) not selling alcohol as specified in the local authorities Statement of Licensing Policy.

### **The Prevention of Crime & Disorder:**

Compliance with paragraphs 6.5 (a),(b),(c),(d),(e),(f),(g) and (h) and with 6.9 (ii) - (C.C.T.V system installed) and 6.9 (iii) - no glass sold or provided. The layout of the ground floor shop has taken into account paragraphs 7.1, 2,3 and 4 as far as they relate to such premise/retailer.

### **Public Safety:**

All relevant precautions have been taken to ensure public safety, eg emergency exits, signage, CCTV and fire fighting equipment etc. All staff receive on going training in respect of emergency procedures and the premises have been designed to minimise risk etc.

### **The Prevention of Public Nuisance:**

Staff have been trained/receive on going training to handle disruptive behaviour and/or to deal with anti-social behaviour and will call the police if necessary. No music is played on the premises and there are no attractions on the property, eg special lighting, except for the sale of takeaway food. Customer turn around is very quick.

## **3.4. Relevant Representations:**

### **Responsible Authorities Representations**

#### Police

See Appendix 6

#### Environmental Health

See Appendix 7

#### Planning

See Appendix 8

### **Interested Parties Representations**

No representations

### **3.5. Policy Considerations**

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

#### **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 *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.*

#### **(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***

8.3 *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.*

### **11.0 Integration**

*11.5 The Council acknowledges that there must be proper separation of the planning, building control and licensing functions and that licensing applications will not be a re-run of the planning application.*

### Secretary of State's Guidance

#### **Planning**

*3.51 A statement should also indicate:*

- that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control<sup>4</sup> where appropriate. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.*

### ***Prevention of 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.*

### **3.6. Officer's Report**

The police representations relate to concerns in respect of crime and disorder in view of the existing situation in Station Road. They also recommend various measures to address some of the issues raised e.g. provisions of CCTV.

The Environmental Health Officer refers to nuisance to residents in flats in the vicinity of the premises and recommends no increase in operating hours.

The planning officer advises that operating hours are restricted under the planning consent in the interests of amenity.

These matters need to be considered along with any submissions made by the applicant.

### **3.7. 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**

Port Talbot

#### **4.0. Licence Application for Transitional Premises Licence**

Ref.No.: 002562 Wards Port Talbot  
Affected:  
Premises Name: Jimmy's Bar  
Premises Address: 33 Station Road, Port Talbot, W Glam, SA13 1NN  
Applicant Name: Mr James Gladstone Octavius Hall  
Applicant Address: 59 Tydraw Street, Port Talbot, SA13 1BR  
DPS Name: Mr James Gladstone Octavius Hall  
DPS Address: 59 Tydraw Street, Port Talbot, SA13 1BR  
Application Date: 05/08/2005

#### **4.1. 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 - Saturday	10.00am - 02.00am
	Sunday	Noon - 10.30pm
	(on and off premises)	

Special Hours Certificate	Monday - Saturday	10.00am - 02.00am
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Public Entertainment Licence	Monday – Saturday	11.00am – 02.00am
	Sunday	Noon – 12.30am
	(Sunday preceding Bank Holiday 02.00am except Easter)	

Permitted Numbers – Ground floor – 140  
First floor – 110

#### **Special Conditions**

No entry/re-entry two hours before end of permitted hours.

Signs and announcement advising patrons of their social responsibility.

The above are subject to the provisions and restrictions of the

Licensing Act 1964, the Local Government (Miscellaneous Provisions) Act 1982 and the standard licence conditions for places of public entertainment.

#### **4.2. Variation Application**

Supply of Alcohol:

Monday - Thursday	12.00 - 02.00
Friday & Saturday	12.00 - 04.00
Sunday	12.00 - 00.30

Non-standard Timings:

All Bank holidays, Christmas Eve and New Year's Eve.

Opening Hours - Standard Timings:

Monday - Thursday	12.00 - 02.30
Friday & Saturday	12.00 - 04.30
Sunday	12.00 - 01.00

Non-standard Timings:

As above.

Live Music:

Monday - Thursday	19.00 - 02.00
Friday & Saturday	19.00 - 04.00
Sunday	19.00 - 00.30

Non-standard Timings:

All Bank holidays, Christmas Eve and New Year's Eve.

Recorded Music:

Monday - Thursday	21.00 - 02.00
Friday & Saturday	21.00 - 04.00
Sunday	21.00 - 00.30

Non-standard Timings:

As above.

Performance of Dance:

Times as above.

Non-standard Timings:

As above.

Facilities for Dancing:

Times as above.

Non-standard Timings:

As above.

Late Night Refreshment:

Monday - Thursday	12.00 - 02.00
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Friday & Saturday 12.00 - 04.00  
Sunday 12.00 - 00.30  
Non-standard Timings:  
As above.

#### **4.3. Background Information**

Provided by applicant:-

Public house and nightclub with entertainment facilities.

#### **4.4. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

##### **General - all four licensing objectives:**

By sound management and effective control by applicants with the support of staff, the licensing objectives should be sustained.

##### **The Prevention of Crime & Disorder:**

Members of Port Talbot Police Pub watch Scheme.

Strict control over customers who will be encouraged to leave the premises without disturbance and not linger outside.

Licensed door personnel employed.

Existing provisions to apply.

##### **Public Safety:**

Fire protection equipment available.

First aid equipment available.

Other safety regulations complied with.

Existing provisions to apply.

##### **The Prevention of Public Nuisance:**

Above is repeated and emphasis is placed on reference to licensed personnel being employed. Existing provisions to apply.

## **The Protection of Children from Harm:**

As a general rule, children will not be allowed on the premises unless attending a party or other social activity and will be accompanied by an adult at all times.

### **4.5. Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 9

##### Environmental Health

See Appendix 10

#### **Interested Parties Representations**

No representations.

### **4.6. Policy Considerations**

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

#### **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.*

*(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.*

**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

### ***Prevention of 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.*

### **4.7. Officer's Report**

The police representations relate to the crime and disorder objective based on the situation presently existing in the area. Various crime and disorder and safety requirements are proposed.

The environmental health officer recommends that existing times are maintained to prevent nuisance to residents living in the area.

These matters should be considered in the light of any submissions made by the applicant.

### **4.8. Recommendation**

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

**List of Background Papers**

Application for premises licence.

**Officer Contact**

J Sullivan Principal Officer Licensing

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

**Wards Affected**

Port Talbot

## **5.0. Licence Application for Transitional Premises Licence**

Ref.No.: 002532 Wards Coedffranc West  
Affected:  
Premises Name: Towers Hotel  
Premises Address: Ashleigh Terrace, Jersey Marine, Swansea, SA10 6JL  
Applicant Name: The Towers Swansea Bay Limited  
Applicant Address: 4 Ashleigh Terrace, Jersey Marine, Neath, SA10 6JL  
DPS Name: Mr Michael Parker  
DPS Address: The Towers, Ashleigh Terrace, Jersey Marine, Neath, SA10 6JL  
Application Date: 05/08/2005

### **5.1. 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	10.00am - 01.00am
	Sunday	Noon- 10.30pm
	(on and off premises)	

Special Hours Certificate First floor function room (Tower Ballroom)  
Ground floor function room (Tower Lounge)

Public Entertainment Licence	Monday - Saturday	11.00am - 01.00am
	Sunday	Noon - 12.30am
	Sunday preceding Bank Holiday 02.00am except Easter	

First floor Tower Ballroom - 286  
Ground floor Tower Lounge - 300

The above are subject to the provisions and restrictions of the Licensing Act 1964, the Local Government/Miscellaneous Provisions) Act 1982 and the standard conditions for places of public entertainment.

## **5.2. Variation Application**

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

Supply of Alcohol:

Monday - Sunday 00:00 00:00

Opening Hours - Standard Timings:

Monday - Sunday 00:00 00:00

Indoor Sporting Events:

Monday - Sunday 19:00 01:00

Boxing or Wrestling - as above

Live Music:

Monday - Sunday 10:00 02:00

Recorded Music - as above

Facilities for Dance - as above

Late Night Refreshment:

Monday - Sunday 23:00 05:00

Restrictions requested to be lifted:

s.77 Licensing Act 1964 - removal of condition that alcohol is ancillary to music, dancing and substantial refreshment.

## **5.3. Background Information**

Provided by applicant:-

Large detached hotel and leisure complex situated in its own grounds in Jersey Marine.

Accommodation consists:-

Bar Area

Restaurant Seating - 120

Main Function Room seating - 350

4 Small function suites - 30-100

50 Bedrooms

3 outside drinking areas

#### **5.4. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

##### **General - all four licensing objectives:**

The premises has a well documented Management and Staff Policy. All Staff are fully conversant with the Premises Operating Policies, compliance of which is a condition of employment.

##### **The Prevention of Crime & Disorder:**

The Premises has CCTV coverage consisting of 31 cameras, with a 30 day retention of images by way of multiplex colour and B/W video hard disc drive system.

The Premises comprehensive drugs policy, with staff training on the identification of common controlled drugs, symptoms of drug use and indications of drug misuse and residue.

As part of the policy, staff are instructed to carry out regular checks of all public areas including toilets (and external drinking areas).

Any door supervisors employed at the premises, must be registered by the Security Industry Authority.

The premises has transport policy and a local Taxi Company is recommended for use by customers.

The premises has a glassware policy and plastic containers are supplied for use outside the premises.

The consumption of alcohol in open containers purchased inside the premises is only permitted in designated areas within the perimeter of the property. No open containers are supplied for on street drinking.

The premises has a comprehensive proof of age policy and notices are displayed in prominent areas informing customers that they may be required to produce relevant proof of age documents.

### **Public Safety:**

Premises has a Disability Policy, staff training on the provision of facilities for disabled persons and also the safe evacuation of such persons in the event of an emergency.

### **The Prevention of Public Nuisance:**

The premises are aware of its responsibilities to its neighbours, local residents and the wider community.

During periods when amplified music is played, all windows and external doors will be kept closed to minimise disruption.

All staff have received training in relation to noise and the importance of "good neighbourliness".

Notices have been placed at all exterior doors and the car park reminding exiting customers of their responsibilities.

### **The Protection of Children from Harm:**

Access for children to the premises is as follows: Unlimited access.

The Premises has a comprehensive age policy and all staff have received training with regards to acceptable proof of age documentation.

An adult over the age of 21 must accompany all persons under the age of 18 years.

All staff have been trained in relation to offences which may be committed under the Licensing Act 2003, in particular those relating to sale and consumption of alcohol by persons under the age of 18 years.

## **5.5. Relevant Representations:**

### **Responsible Authorities Representations**

#### **Police**

See Appendix 11

## Environmental Health

See Appendix 12

### **5.6. Interested Parties Representations**

See Appendix 13

### **5.7. Policy Considerations**

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

#### Statement of Licensing Policy

#### **8.0 *Prevention of Public Nuisance***

8.3 *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.*

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#### ***Prevention of Nuisance***

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*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.*

## **5.8. Officer's Report**

The police, environmental health officer and a resident all express concerns about noise nuisance.

The police refer to likely social disturbance due to the proposed 24 hour sale of alcohol.

The environmental health officer makes recommendations to minimise any disturbance to residents.

The resident states that he is presently being disturbed and thus objects to any further extension of operating hours.

These issues should be considered after hearing all personal representations and any submissions from the applicant.

## **5.9. 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**

Coedffranc West