

# LICENSING (2003 ACT) SUB COMMITTEE

4<sup>th</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.: 002384 Wards Neath North  
Affected:  
Premises Name: Windsor Club  
Premises 72 Windsor Road, Neath, SA11 1NR  
Address:  
Applicant Name: Mrs Linda Rees  
Applicant "Crosswinds", 39 Cimla Common, Neath, SA11 3SU  
Address:  
DPS Name: Mr Martin Raymond Rees  
DPS Address: "Crosswinds", 39 Cimla Common, Neath, SA11 3SU  
Application 05/08/2005  
Date:

### **1.2 Conversion Application**

The premises have traded as a proprietary club for several 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
Subject to conditions	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 follow:-

Supply of Alcohol:  
Monday - Sunday 11:00 - 00:30

Opening Hours:  
Monday - Sunday 11:00 - 01:00

Live Music:  
Monday - Sunday 19:30 - 00:00

Recorded Music:  
Monday - Sunday 11:00 - 00:00

Performance of Dance:

Monday - Sunday

19:30 - 00:00

Facility like Music/Dance - times as above

#### **1.4 Background Information**

Provided by applicant:

A proprietary club at the junction of Windsor Road and Osborne Street Neath, Windsor Road being primarily a commercial area converting in parts to residential, and the adjoining side streets being residential the club comprising:-

On ground floor and entrance hall and bar. Lounge and concert hall, with skittle alley to the rear, and on first floor a lounge and function room the location and layout as shown on the attached plans.

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

The following information has been provided by the applicant:

General - all four licensing objectives:

CCTV surveillance within the club covering lounge, hall and skittle alley and first floor wall. Club management and bar staff are informed of the Licensing Act 2003 objectives and statutory requirements to comply with all relevant provisions of that Act.

The Prevention of Crime & Disorder:

We do not permit drunkenness or disorderly conduct and will have no hesitation in requiring patrons who are either drunk or disorderly to leave the premises and will invite the police to assist if there are any difficulties.

Public Safety:

We are aware of the health, safety and fire precaution requirements. We have fire fighting equipment and emergency lighting.

The Prevention of Public Nuisance:

At the ground floor main bar there is a control box for volume on all Amplified sound. Staff set the levels. Notices on the premises remind Patrons to leave quietly and be mindful of local residents.

The Protection of Children from Harm:

Children accompanied by parent or other adult supervisor may be permitted to be on the premises until 19.00 hours. No alcohol is served to anyone who cannot provide satisfactory proof of having attained 18 years.

## **1.6 Relevant Representations:**

### **Responsible Authorities Representations**

#### Police

See Appendix 1

#### Environmental Health

See Appendix 2

### **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

### **6.0 *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.*

### **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 minimizing 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.*

## **1.8 Officer's Report**

The police express concern in respect of crime and disorder and public nuisance and suggest measures to deal with the latter.

The environmental health officer proposes restrictions on the provision of music to prevent nuisance to residents, and also on the operating hours for the same reason. These matters should be considered along with any other measures which arise out of the personal representations and any submissions from the applicant.

## **1.9 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**

Neath North

## **2.1 Licence Application for Transitional Premises Licence**

Ref.No.: 002565 Wards Sandfields East  
Affected:  
Premises Name: The Four Winds  
Premises Address: Princess Margaret Way, Aberavon, Port Talbot, SA12 6QW  
Applicant Name: Mr Bromley Kenneth Hill  
Applicant Address: Four Winds, Princess Margaret Way, Port Talbot, SA12 6QW  
DPS Name: Mr Bromley Kenneth Hill  
DPS Address: Four Winds, Princess Margaret Way, Port Talbot, SA12 6QW  
Application Date: 05/08/2005

## **2.2 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)	

Public Entertainment Licence Monday - Saturday 11.00 - 02.00  
(function room only) Permitted Number - 240

### **Special Conditions**

The main entrance doors to be kept pinned open when function room is in use.

No entry/re-entry after midnight.

Patrons not allowed access to garden in the evening.

The above are subject to the provisions and restrictions of the Licensing Act 1964, the local Government (Miscellaneous Provision) Act 1982 and the standard licensing conditions for places of public entertainment.

### **2.3 Variation Application**

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

Supply of Alcohol:  
Monday to Sunday 11.00 – 00.00

Opening Hours:  
Monday - Sunday 11.00 - 00.30

Films:  
Monday - Sunday 11.00 - 00.00

Indoor Sporting Events:  
Times as above.

Live Music:  
Times as above.

Recorded Music:  
Times as above.

Performance of Dance:  
Times as above.

Facilities for Making Music:  
Times as above.

Facilities for Dancing:  
Times as above.

### **2.4 Background Information**

Provided by applicant:

Public house and restaurant with function room and provision for entertainment facilities.

### **2.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

There will be effective and responsible management of the premises, registered doormen will be employed as and when necessary and strict control will be exercised over functions and persons entering or leaving the premises.



Public Safety:

The restrictions on capacity contained in the Public Entertainment Certificate will be strictly adhered to as well as the matters mentioned above.

The Prevention of Public Nuisance:

The restrictions on the Public Entertainment Certificate will be adhered to, persons attending and leaving functions will be requested to leave in an orderly and quiet manner and notices will be displayed to this effect.

The Protection of Children from Harm:

The terms of the Children's Certificate will be strictly adhered to and include provision that children must be accompanied by adults at all times.

**2.6 Relevant Representations:**

**Responsible Authorities Representations**

Environmental Health

See Appendix 3.

**Interested Parties Representations**

No representations

**2.7 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 minimizing 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.*

## **2.8 Officer's Report**

The environmental health officer expresses concern in respect of the proposal to provide live music outside and also in the bar area. He makes recommendations to deal with these issues and these should be considered following this representation and submissions from the

applicant being heard.

**2.9 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**

Sandfields East

### **3.1 Licence Application for Transitional Premises Licence**

Ref.No.: 002302 Wards Neath North  
Affected:  
Premises Name: The Duke Of Wellington  
Premises Address: 8 Old Market Street, Neath, West Glamorgan, SA11 3NA  
Applicant Name: Mr Antonio Di Muzio  
Applicant Address: The Duke of Wellington, 8 Old Market Street, Neath, SA11 3NA  
DPS Name: Mr Antonio Di Muzio  
DPS Address: The Duke of Wellington, 8 Old Market Street, Neath, SA11 3NA  
Application Date: 05/08/2005

### **3.2 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)	

Public Entertainment Licence Monday to Saturday 11.00 – 23.00  
Maximum Permitted Numbers - Ground Floor 110

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

### **3.3 Variation Application**

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

Supply of Alcohol:	
Monday - Sunday	10:00 04:00

Opening Hours:	
Monday - Sunday	10:00 04:00

Live Music:	
Monday - Sunday	10:00 04:00

Recorded Music:  
As above

Facilities for Making Music:  
As above

Practice sessions

Late Night Refreshment:  
Monday - Sunday 23:00 04:00

Non-standard Timings:  
Until 00:00 (midnight) outside in beer garden.  
Until 04:00 inside premises.

Restrictions requested to be lifted:  
The applicant is also seeking to remove all restrictions whether express or inherent.

### **3.4 Background Information**

Provided by applicant:  
Public House, 8 Old Market Street, Neath.  
Including beer garden.

### **3.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - All Four Licensing Objectives:  
The existing licence is subject to standard terms conditions.

The Prevention of Crime & Disorder:  
All staff are trained to recognize and deal with suspected illegal activities and in particular drug use.

Public Safety:  
The premises has numerous fire extinguishers and blankets which are serviced regularly under contract.

The Prevention of Public Nuisance:  
Sound amplification is reduced after 23.00 and all staff trained to ensure public vacates the premises peacefully and respectfully.

The Protection of Children from Harm  
If there is any suspicion as to a persons age, ID is requested and if not provided or insufficient service is refused.

### **3.6 Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 4.

##### Environmental Health

See Appendix 5.

#### **Interested Parties Representations**

See Appendix 6.

### **3.7 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 minimizing 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***

7.44 *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.*

*7.45As 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.*

*7.46Where 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.*

### **3.8 Officer's Report**

The police make representations with regard to the crime and disorder objective in view of the existing situation in Neath town centre. Concerns are also expressed relating to public safety and the prevention of public nuisance. Recommendations are made to deal with some of the issues raised.

The environmental health officer raises concerns with the proposal to provide music until 4.00am, and suggests restrictions on operating hours and conditions to deal with the issue.

Residents representations refer to noise, social disturbance and anti-social behaviour.

### **3.9 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](mailto:j.sullivan@npt.gov.uk)

#### **Wards Affected**

Neath North.



#### 4.1 Licence Application for Transitional Premises Licence

Ref.No.: 002622 Wards Neath North  
Affected:  
Premises Name: Katz  
Premises Rear of, Queen Street Back Road, Neath, SA11 1EE  
Address:  
Applicant Name: Mr Karnail Singh  
Applicant 1 Bailey Street, Port Talbot, West Glamorgan, SA12 6EP  
Address:  
DPS Name: Mr Lee William Absalom  
DPS Address: 103 Tanygroes Street, Port Talbot, SA13 1EG  
Application 05/08/2005  
Date:

#### 4.2 Conversion Application

The premises have operated as a proprietary club for several 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	10.00 - 11.00
with conditions	Sunday	Noon - 22.30

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

#### 4.3 Variation Application

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

Supply of Alcohol:	
Monday - Saturday	11:00 02:00
Sunday	12:00 02:00

Opening Hours:	
Monday - Saturday	11:00 02:00
Sunday	12:00 02:00

Recorded Music:	
Monday - Saturday	11:00 02:00
Sunday	12:00 02:00

Performance of Dance:  
As above

Dancing allowed on ground floor only.

Facilities for Dance:  
As above

Facility like Music/Dance:  
As above

DJ's.

All music and dancing will be done on the ground floor only.

Late Night Refreshment:  
Monday - Saturday 11:00 02:00  
Sunday 02:00 02:00

#### **4.4 Background Information**

Provided by applicant:

Ground floor and 1st floor members bar.

Only the ground floor bar is open which has 1 main entrance accompanied with a fire exit on both ground and 1st floor.

Ground floor contains a cloakroom attendant allowing the members in and also preventing any drinks from leaving the club.

#### **4.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - All Four Licensing Objectives:

We try and maintain the club with strict rules of good behaviour, prevention of loud on goings and that our customers and staff feel safe at all times.

The Prevention of Crime & Disorder:

We do not allow anyone who appears to be intoxicated to be served. This prevents him or her from maybe causing danger to themselves, staff and people in or out of the club.

The only persons under the age of 18 must be accompanied with an adult at all times.

### Public Safety:

For the safety of both customers and staff all shown fire exits are checked whilst opening and halfway through the day. The emergency lighting is checked every day to ensure it is fully working properly. our first aid area is behind the bar with signs throughout the building saying so.

### The Prevention of Public Nuisance:

To prevent any noise from escaping though the club our lobby doors are kept closed, they are only open whilst a person enters or leaves the building. There is no admittance after 11.30pm preventing any further noise from the public outside the building.

### The Protection of Children From Harm:

To protect any children from harm we have a strict rule of "no adult to accompany with you" "no entry".

Also if anyone who appears to be under age. There is a strict rule of providing identification. Drivers licence and passports are the only I.D. we accept.

## **4.6 Relevant Representations:**

### **Responsible Authorities Representations**

#### Police

See Appendix 7.

#### Environmental Health

See Appendix 8.

### **Interested Parties Representations**

See Appendix 9.

## **4.7 Policy Considerations**

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

*Statement of Licensing Policy*

## **6.0 *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.*

**(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.*

## **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*

## **7.0 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.*

## **7.0 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.*

#### **4.8 Officer's Report**

The police representations refer to crime and disorder on the basis of the existing situation in Neath Town Centre. They also make recommendations relating to public safety and prevention of public nuisance.

The environmental health officer refers to existing complaints regarding the premises and proposes no increase in operating hours.

A resident makes representations in respect of public nuisance and indicates that she currently experiences disturbance from music.

These issues need to be considered in the light of any submissions made by the applicant.

#### **4.9 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](mailto:j.sullivan@npt.gov.uk)

#### **Wards Affected**

Neath North