

**LICENSING (2003 ACT) SUB COMMITTEE**

**5<sup>TH</sup> MARCH 2007**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

**REPORT OF THE LICENSING MANAGER  
– J.M. SULLIVAN**

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**PART 1 – Doc.Code: LICAS-050307-REP-FS-JS**

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<b>1. Licensing Act 2003 Review of Premises Licence</b>		
Ref.No.: 005279 Premises Name: Neath R.F.C. Premises Address: Gnoll Park Road, Neath	<b>1-10</b>	Neath North

## **SECTION A – MATTERS FOR DECISION**

### **1.1 Application for Review of Premises Licence**

This application was deferred on 6<sup>th</sup> December 2006 at the request of the Licence Holder, to enable an acoustic report to be obtained.

Ref.No.:	005279	Wards Affected:	Neath North
Premises Name:	Neath R.F.C.		
Premises Address:	Gnoll Park Road, Neath		
Licence Holder:	Mr Geraint Frederick Hawkes		
Address of Licence Holder:	Clubhouse, Gnoll Park Road, Neath		
DPS Name:	Mr Geraint Frederick Hawkes		
DPS Address:	20 Squire Court, Swansea Marina, Swansea		
Application Date:	2/ 8/2006		

### **1.2 Current Licence**

Supply of Alcohol:

Sunday to Thursday	07.00 - 00.00
Friday & Saturday	07.00 - 01.00

Non-standard Timings:

Bank Holidays & Sundays that precede a Bank Holiday Monday and Christmas Eve	07.00 - 01.00
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Films:

Sunday to Thursday	07.00 - 00.00
Friday & Saturday	07.00 - 01.00

Indoor Sports - times as above

Live Music - times as above

Recorded Music - times as above

Performance of Dance - times as above

Activity like Music/Dance - times as above  
Facilities for Making Music - times as above

Facilities for Dance - times as above

Facility like Music/Dance - times as above

Late Night Refreshment:

Sunday to Thursday 23.00 - 00.30

Friday & Saturday 23.00 - 01.30

The opening hours of the premises:

Opening Hours:

Sunday to Thursday 07.00 – 00.30

Friday & Saturday 07.00 – 01.30

### **Conditions attached by Licensing Committee**

1. No regulated entertainment to be provided after 23.00 hours unless the applicant obtains an acoustic report and implements any work necessary to the satisfaction of Environmental Health so as to ensure that no sound is audible at the nearest noise sensitive premises.
2. The applicant will ensure that all windows and doors are kept closed whilst amplified music is being played.
3. The applicant will provide prominent signs throughout the premises and all exits requesting patrons to leave in a quiet and orderly manner so as to minimise impact on local residents.

In addition, the applicant will be allowed 12 special event days provided the applicant gives 10 days notice to the Police and Local Authority with the Police having a final veto.

### **1.3 Background Information**

The premises operates as a rugby club and is located on the edge of the Neath town centre. The area is mainly residential. See plan.

### **1.4 Application for Review**

The application for review of the premises licence is as follows:-

Applicant: P.C. J Williams – Licensing Officer South  
Wales Police

Address: Neath Police Station, Gnoll Park Road, Neath

Status of Applicant – Responsible Authority

Date of Application – 2/8/06

### **1.5 Grounds for Review**

The application relates to the following licensing objective(s):  
The Prevention of Public Nuisance

#### **Details**

1. Under annex 3 of the premises licence a condition that no regulated entertainment is to be provided after 11pm unless the applicant obtains an acoustic report and implements any work necessary to the satisfaction of Environmental Health so as to ensure that no sound is audible at the nearest noise sensitive premises.
2. There have been a number of complaints from residents to the Local Authority and Police in respect of noise nuisance as a result of music being played at the premises.

At 23.30hrs on Friday 7<sup>th</sup> July 2006, I attended at the premises of Neath RFC at Gnoll Park Road, Neath, in company with Ron Staddon and Sarah Bartle of the Local Authority Licensing Department.

On our arrival at the premises I could clearly hear amplified music emanating from the premises.

On entering the premises we spoke with Colin Tomlinson, the person in charge of the premises, who confirmed that a Beach Boys tribute style band were playing upstairs. He offered to end the function immediately when it was pointed out that this breached the conditions imposed on the premises licence.

## **1.6 Previous Representations**

The following representations were made by the police when the original application to vary the licence was made:-

In respect of the premises application for the above, I wish to register objections on the following grounds:

1. In relation to the licensing of the rugby ground itself, each area of the ground is currently served by a separate bar. This is to prevent migration of spectators from one area of the ground to another. This is a safety issue to prevent areas over-extending their capacity. The application form does not appear to take this into account.
2. Whenever the ground has made use of an occasional licence to permit the sale of intoxicants on match days, the actual sale of intoxicants has not been permitted whilst the match is in play. This is a safety consideration as well as reducing the safety and annoyance risks from spectators moving to/from their seats to the bar areas.
3. Page 8, the proposed variations require the facility to sell alcohol on a 24 hour basis. There have been a number of complaints from residents in the area. The premises is located in a residential area, and such times may be contrary to the objective of the prevention of public nuisance.
4. The provision of the regulated entertainment in the application is requested until 2am each day. Given the location of the premises, surrounded by residential properties, this would be inappropriate subject to the consideration and provision of a sound survey.

5. Page 22, paragraph M requests that alcohol is supplied between 10am and midnight each day. This is contradictory to the variation stated earlier in the application. It will be necessary to confirm the content of the notice placed in the newspaper and on the premises to ascertain which of the details is correct and has been advertised.
6. Page 23, paragraph O, the hours the premises are open to the public will be between 10am and 2.30am, if 24 hours licensing is intended, this is again a discrepancy that needs to be addressed.
7. The application refers to the requirement to have the facility to have the premises open on a 24 hours basis as and when required. I would question the suitability of the premises to open for these times, given the location. It may be worth considering how frequently this facility would be used in practice. It may be a consideration to adopt the policy of using the facility of “special occasions” as per the ACPO policy outlined on the LACORS website, whereby it is possible to accommodate later hours, without the impact that a 24 hours grant would potentially have.

In summary, there have been a number of concerns reported to police from residents, and given the location of the premises, should such a grant be made the objective of the prevention of public nuisance may be contravened.

## **1.7 Further Representations**

Further representations have been received in respect of the application for review as follows:-

### **Interested Parties**

Mr D Price

84 Gnoll Park Road, Neath

The above named is a resident living in the vicinity of the premises and his representations relate to noise from the premises. Copies of the representation are reproduced at Appendix 1.

## **1.8 Licensing Officers Report**

The conversion and variation of the premises licence was approved by this Committee on 26<sup>th</sup> September 2005. Representations were received from the Police, Environmental Health Officer and residents of the area. Amendments were made to the application to take account of the Police representation. As a result the police representations were withdrawn. The Committee considered the representations made to them and agreed to approve the variation, but subject to conditions to minimise noise and disturbance to residents.

When considering the application for review members are required to have regard to all relevant representations and take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:-

- (a) to modify the conditions of the licence.
- (b) To exclude a licensable activity from the scope of the licence.
- (c) To remove the designated premises supervisor
- (d) To suspend the licence for a period not exceeding three months.
- (e) To revoke the licence.

## **1.9 Recommendation**

That members determine the application after considering all relevant representations.

### **List of Background Papers**

Application for review of premises licence.

### **Officer Contact**

J Sullivan - Licensing Manager

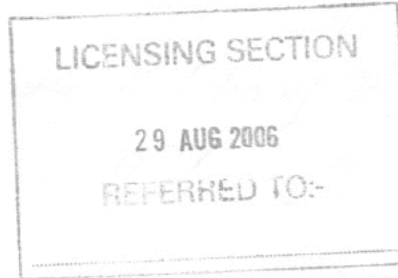
Tel 01639 686326 email [j.Sullivan@npt.gov.uk](mailto:j.Sullivan@npt.gov.uk)

### **Wards Affected**

Neath North

APPENDIX 1

Mr. J. M. Sullivan  
Civic Centre  
Neath.



84 Gnoll Park Road  
Neath  
West Glam.  
SAVI 3DD

24<sup>th</sup> August 2006

Dear Sir,

Re: Application for a Review of a Premises  
Licence - Neath Rugby Social Club.

With regard to the above, I think the present licence should be revoked and new terms and conditions applied. The social club has shown total disregard to their licence conditions, the residents and also yourselves as the licensing authority. In my original objection of 15<sup>th</sup> August 2005, I stated at the time that in the past they had ignored their previous licence conditions and so it has proved once again.

I have written three letters of complaint concerning the above property. One was on the 9<sup>th</sup> May 2006 concerning the previous Saturday night 6<sup>th</sup> May when



The music went on until nearly 2 a.m. Sunday morning where the loudness of the music was intruding into our home. Then I also wrote two letters in June concerning the noise. One was about Friday 2<sup>nd</sup> June and Saturday 3<sup>rd</sup> June 2006 and the other was about Monday 12<sup>th</sup> June 2006 all about excessive noise levels coming from the music being played at the club.

On Tuesday 6<sup>th</sup> June 2006, we had a visit from the Police concerning "enquiries" made by the club about complaints from residents and noise level. They wanted to know what was going on between us and the club.

I think harassment is what the club were trying to imply. The Council policy was/is that residents should speak to the licensee if they have any complaint.

Since Mr. Ron Staddon (Licensing Officer) unexpected visit to the club one Friday night, I think it was the early part of July, it has been quiet. It may also

be because of this review whereby they can say it is only an isolated problem and not a regular occurrence

Any review you undertake I wish you would consider the residents in your final decision. I would also like to say that I have nothing against any member or person connected to Neath Rugby Sea Social Club or Neath R.F.C.

Yours faithfully

David Price

P.S. All we want is to enjoy the comfort of our own home without being subjected to music from the club which is at a level that you can quite clearly hear.