

LICENSING (2003 ACT) SUB COMMITTEE

5th September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-050905 -REP-FS-CJ

SECTION A – MATTERS FOR DECISION

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1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 001948 Premises Name: Dulais Rock Premises Address: Aberdulais Road, Aberdulais, Neath, SA10 8EY	3- 9	Aberdulais
Ref.No.: 002030 Premises Name: Gwyn Arms Premises Address: Gwyns Place, Alltwn Pontardawe, Swansea, SA8 3AJ	10-18	Alltwn

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2. Licensing Act 2003 Club Licence Applications		
Ref.No.: 001976 Premises Name: GWRSA Club Premises Address: Cramic Way, Port Talbot, West Glamorgan, SA13 1RU	19 -25	Margam

Sunday 10:00 00:00

Live Music:

Monday to Saturday 11:00 01:00

Sunday 12:00 23:30

Recorded Music:

Monday to Saturday 08:00 01:00

Sunday 08:00 23:30

1.4 Background Information

Public house situated just off the A465 on Aberdulais Road in the village of Aberdulais next door to the National Trust Waterfalls site.

Externally the premises has car parking for around 24 cars and an outside drinking/dining area, a separate snug area, and dining area that is split on three different levels. There are 2 ladies' and 2 gents' toilets and disabled facilities. There is a trade kitchen. On the first floor are 3 letting bedrooms all of which are ensuite.

There is a fire alarm installed which is linked to both heat and smoke detectors and exceeds regulatory requirements. Fire extinguishing equipment is installed and has a service contract for its maintenance.

Emergency lighting is installed and certified as is the electrical installation. Most electrical equipment is under 12 months old – any that isn't has been PAT tested in the last 12 months.

Emergency exits are clearly marked by illuminated signage.

1.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

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:

The front and rear areas of the building and car park are lit. The majority of customers are diners who travel by vehicle. There are no other licensed outlets in the immediate area.

Public Safety:

The building has recently undergone major refurbishment and as such meets or exceeds all current building regulations. The electrical installation is certified and all electrical equipment is PAT tested. A fire alarm linked to heat and smoke detectors is installed.

Emergency lighting is installed. Emergency exits are clearly indicated with illuminated signs. Fire fighting equipment is installed and on a service contract. Our fire risk assessment is available. We have an accident book. A copy of the asbestos certificate is kept on site. Key members of staff hold health and hygiene certificates, health & safety certificates and emergency first aid. Around 80% of our trade is non smoking and is clearly indicated via signage. Crossflow ventilation is installed. We have disabled toilet facilities and copy of our policy is available. Our catering operation complies with HACCP controls.

The Prevention of Public Nuisance:

The style and mode of operation is such that there are no issues regarding this objective. Recorded music that is played is of a soft background nature, there are no adjoining local residents. The vast majority arrive and depart via car/taxi. The kitchen has an extract system.

The Protection of Children from Harm:

There are no AWP's located. The cigarette machine is located within plain view of the bar and is in the designated smoking area. 80% of the trade area is no smoking. Children are not permitted unaccompanied and must be out of the bar area by 21:00 hours. Nudity or partial nudity is not permitted at any time.

1.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

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.*

6.9 *(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.

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 Crime & Disorder

7.34 *"Safe capacities" should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to*

reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.

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.

1.8 Officer's Report

The police representations relate to crime and disorder, public safety and prevention of public nuisance.

The attachment of conditions or restriction or hours must be appropriate to the premises in question and be arrived at following all representations being heard.

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

Aberdulais

Non-standard Timings:

A further additional hour into the morning following every Friday and 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 years Eve/Day hours

Opening Hours

Monday to Thursday 11.00 - 00.30

Friday to Saturday 11.00 - 01.30

Sunday 11.00 - 00.30

Non-standard Timings:

A further additional hour into the morning following every Friday and 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 Years Eve/Day hours

Live Music

Monday to Saturday 11.00 - 00.00

Sunday 12.00 - 00.00

Recorded Music:

Monday to Thursday 11.00 - 00.00

Friday to Saturday 11.00 - 01.00

Sunday 12.00 - 00.00

Non-standard Timings:

A further additional hour into the morning following every Friday and 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 years Eve/Day hours

Activity like Music/Dance:

Monday to Sunday 11.00 - 00.00

2.4 Background Information

Public House situated in the village of Alltwen. The property is semi detached, has no car park and a very small outside drinking area at the front of the building. The front of the pub is lit at night. Internally the pub is largely open plan with a horseshoe shaped bar servery. There are ladies and gents toilets. There is no catering kitchen. Emergency lighting is installed and the electrical installation is certified. There is one AWP located in plain view of the bar and a cigarette machine also located in plain view of the bar.

2.5 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.

Illumination is provided to the exterior areas of the pub.

All interior trading areas are visible to staff from behind the bar servery.

The licensees/staff monitor customer behaviour especially during busy periods.

Burglar alarm system in place, alarmed doors and windows / secure windows.

Drink drive posters on site.

We operate a zero tolerance policy towards drugs and the users of drugs.

Public Safety:

The pub is equipped with emergency lighting and emergency exit signs.

All fire fighting equipment is serviced annually.

All portable electrical appliances are tested annually.

There are current electric and emergency lighting certificates.

Mechanical extraction is provided.

The pub promotes a licensed taxi service to facilitate its customers making onward journeys.

Accident / incident book on site for staff and public.

The Prevention of Public Nuisance:

When required, staff organise taxis to transport customers home and customers are seen off the premises and encouraged to disperse at closing.

The pub has a lobbied entrance which reduces noise emission and self closing doors.

Live entertainment will be no later than midnight at any time.

Windows are double glazed helping to minimise noise transfer.

The Protection of Children from Harm:

1 AWP machine located within plain view of the bar.

1 cigarette machine located in plain view of the bar.

Children are not permitted unless accompanied by an adult.

Children must vacate the premises by 20.30.

2.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 2.

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

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 *(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.

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 Crime & Disorder

7.34 *“Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.*

7.0 Prevention of Public Nuisance

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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 police representations refer to a potential impact on crime and disorder in view of the hours sought. Also in view of the location of the premises the likelihood of sound and noise disturbance is significant. The need for door supervisors is also suggested and members will need to be satisfied that this would be appropriate after hearing submission from the applicant. An occupant capacity is also proposed by the police. This will already be in place under the terms of the public entertainment licence.

The environmental health officer recommends that in view of its location that there is no increase in the hours that music can be played, and to minimise sound disturbance that there is restriction of the hours of opening and also the use of the beer garden. These appear to be reasonable for this location, but can be amended or modified dependant on representations received.

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

Alltwen

3.1 Licence Application for Transitional Club Licence with variation

Ref.No.: 001976 Wards Margam
Affected:
Premises Name: GWRSA Club
Premises Address: Cramic Way, Port Talbot, West Glamorgan, SA13 1RU
Applicant Name: Mr Stanley Robert Taylor
Applicant Address: 55 Harvey Crescent, Aberavon, Port Talbot, SA12 6DG
Application Date: 13/07/2005

3.2 Conversion Application

The premises have operated as a registered club for many years and are entitled to a Club Premises Certificate for the supply of alcohol with the previous permitted hours becoming conditions of the new certificate.

The relevant licensable activities are presently:-

The supply of alcohol Monday to Saturday	10.00 - 23.00
Sunday	Noon - 22.30

The provisions and restrictions of the Licensing Act 1964.

3.3 Variation Application

Supply of Alcohol:
Monday to Saturday 07.00 - 02.00
Sunday 12.00 - 00.00

Live Music:
Monday to Saturday 12.00 - 01.00
Sunday 12.00 - 00.00

Recorded Music - times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

The applicant also requests the removal of all restrictions inherent in the Licensing Act 1964.

3.4 Background Information

A single storey building comprising a mens bar, a function room with lounge area, dance floor, pool and darts areas. With two entrances and two fire escapes. Situated at the rear of Port Talbot Railway Station, in an industrial area, with no housing within a radius of five hundred metres.

3.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The club committee steward and bar staff are informed of the Licensing Act 2003 and the requirements to comply with the Act

The Prevention of Crime & Disorder:

Admission to the club is confined to members and bona fide guests.

The committee and staff have been instructed in the effective and responsible management of the club and there are adequate staffing levels to maintain a safe environment.

The club's constitution includes strict rules governing the conduct of members and their guests: the club committee and staff are instructed not to admit or serve members and guests who behave in a drunk or disorderly fashion.

The club will not tolerate the use or supply of illegal drugs, anyone found to be using or supplying illegal drugs will be automatically barred.

Members and guests must be eighteen years old or over to purchase and consume alcohol.

Consumption of alcohol in the open bench seating area outside the club must cease at 22.00 hours.

Public Safety:

The Club complies with Health and Safety and Fire Precaution Regulations - following risk assessment, preventative and control

measures are in place to ensure the safety of members, guests, employees, and entertainers while on the premises. The Club complies with advised capacity limits. Fire notices are posted, emergency escape routes are signposted. Fire appliances are regularly maintained and a record kept.

The Prevention of Public Nuisance:

Due to our location, the likelihood of nuisance arising is negligible, but we display notices at exits requesting members and guests to respect the needs of local residents when leaving the premises. When live or recorded music is played, windows and door are shut, and all fire doors are kept shut. Our refuse is put in a large wheelie bin, which is emptied each week by the Council.

The Protection of Children from Harm:

No persons under 18 years of age shall purchase or consume alcohol on the Club premises, and no member or guest shall attempt to purchase alcohol on behalf of anyone they know to be under 18 years of age.

Persons under the age of 18 years will only be allowed in the Club when accompanied by an adult member. Proof of age cards must be produced by any young adult applying for membership or attempting to purchase alcohol.

Children or grandchildren accompanied by members or guests may attend a private party in the Function Room but must vacate the Club by 22:00 hours.

The Committee, Club Steward and staff are instructed in the Licensing Act 2003, relating to alcohol and the protection of children, and we do not hold Children's parties or disco's.

3.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 4.

Interested Parties Representations

No representations

3.7 Policy Considerations

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

6.0 *Crime and Disorder*

6.9 (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.

(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.*

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Secretary of State's Guidance

7.0 Crime & Disorder

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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.

3.8 Officer's Report

The police representations relate to the operating hours which could impact on the crime and disorder objective. They are also

seeking the imposition of conditions - respect of capacity, door supervisors, use of plastic glasses and measures to minimise noise nuisance.

Members must be satisfied that any conditions are appropriate and relevant for these premises and are necessary to promote the licensing objectives.

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

Wards Affected

Margam