

LICENSING (2003 ACT) SUB COMMITTEE

5th October 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-051005-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 002338 Premises Name: Crown Inn Premises Address: 27 Park Street, Lower Brynamman, Ammanford, SA18 1TF	2-6 Appendix 1-3	Lower Brynamman
Ref.No.: 002542 Premises Name: Corus Uk Ltd Sports Club Premises Address: Margam, Port Talbot, SA13 2 ND	7-11 Appendix 4	Margam
Ref.No.: 002550 Premises Name: Britannia Inn Premises Address: London Row, Cwmavon, Port Talbot, West Glamorgan, SA12 9AH	12-17 Appendix 5 & 6	Bryn & Cwmavon
2. Licensing Act 2003 Club Licence Applications		
Ref.No.: 002580 Premises Name: Aberavon Green Stars RFC Premises Address: Darwin Road, Port Talbot, West Glamorgan	18-24 Appendix 7 & 8	Aberavon
Ref.No.: 002609 Premises Name: Briton Ferry RFC Premises Address: 40 Ynysmaerdy Road, Briton Ferry, Neath	25-31 Appendix 9 & 10	Briton Ferry West

1.1. Licence Application for Transitional Premises Licence

Ref.No.: 002338 Wards Lower Brynamman
Affected:

Premises Name: Crown Inn
Premises Address: 27 Park Street, Lower Brynamman, Ammanford, SA18 1TF

Applicant Name: Mr Nigel William Jones
Applicant Address: 28 Brynamman Road, Lower Brynamman, Ammanford, SA18 1TP

DPS Name: Mr Nigel William Jones
DPS Address: 28 Brynamman Road, Lower Brynamman, Ammanford, SA18 1TP

Application Date: 05/08/2005

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 (on and off premises)	Noon - 10.30pm

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 - Thursday	11:00 23:00
Friday & Saturday	11:00 00:00
Sunday	11:00 22:30

Opening Hours - Standard Timings:

Monday - Thursday	11:00 - 23:30
Friday & Saturday	11:00 - 00:30
Sunday	11:00 - 23:00

Live Music:

Monday - Saturday 19:00 - 23:00

Sunday 19:00 - 22:00

Recorded Music:

Monday - Thursday 11:00 - 23:30

Friday & Saturday 11:00 - 00:00

Sunday 11:00 - 22:30

Facilities for Making Music - times as above

Karaoke and Background music by jukebox

Facilities for Dancing:

Monday - Saturday 19:00 - 23:30

Sunday 19:00 - 22:30

1.4. Background Information

Public house

1.5. Promotion of Licensing Objectives

General - all four licensing objectives:

To follow to the best of our ability to take measures and follow guidelines to promote a safe premises and environment.

The Prevention of Crime & Disorder:

To co-operate with local authorities to minimise crime and disorder with responsible management of staff and as much as possible follow the licencing objectives as stated in the Licencing Act 2003.

Public Safety:

As above following to the best of our ability to follow the notes on this subject as set in Licencing Act 2003.

The Prevention of Public Nuisance:

To ensure that a reasonable noise level kept that does not affect the people living or working nearby.

The Protection of Children from Harm:

Will abide by law on children, including proof of ID displaying age restrictions and to follow the Licencing Act 2003 on children under the age of 18.

1.6. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1

Environmental Health

See Appendix 2

Interested Parties Representations

See Appendix 3

1.7. 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.*

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 representations refer solely to prevention of public nuisance and make recommendations to minimise problems.

Similarly the environmental health officer expresses concerns at the proposal to provide live music and suggests restrictions and

conditions to address this issue.

Residents make representations about noise, social disturbance and anti-social behaviour. All these matters should be considered along with 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

Brynamman

Monday to Sunday 19.00 - 00.30

Recorded Music - times as above

Facilities for Dance - times as above

1.13. Background Information

Purpose built sports and social club adjoining extensive playing fields and sports areas situated at Groes, Margam, Port Talbot with on site car parking, access from public highway known as Abbots Close, Margam, Port Talbot.

1.14. Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

The CCTV monitor is located behind the main bar at first floor level.

All club employees are instructed not to admit or serve members or guests who behave in a disorderly or drunken fashion.

Public Safety:

The club complies with health and safety and fire precaution requirements

The Club complies with capacity limits as indicated by the Fire Authority. Fire action notices are exhibited and all emergency escape routes are sign posted and there is an emergency lighting system.

Drinks may be consumed on the ground floor and first floor balconies but not elsewhere on the sports field.

Drinks for consumption on the balconies are only supplied in plastic receptacles.

Notices are posted at the door leading to the balconies prohibiting glass ware being taken on to balconies.

The Prevention of Public Nuisance:

Display sign near exits requesting members and guests to respect the

needs of residents by leaving both premises and car park quietly. The amplified sound system on the premises is controlled from a control panel behind the bar.

Stewardess and bar staff to control volume to avoid disturbance by sound.

The Protection of Children from Harm:

The rules do permit children between the ages of 7 yrs and 18 yrs to be admitted to the premises only with permission and provided accompanied by a responsible person.

First floor concert hall is made available for persons under the age of 18 years from time to time. However the bars are closed and only non alcoholic drinks may be consumed.

Signage is posted prohibiting the direct or indirect supply or delivery of alcohol to children.

1.15. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 4

Interested Parties Representations

No representations

1.16. 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.*

1.17. Officer's Report

The environmental health officer makes representations in respect of the potential for noise nuisance to residents in view of the hours sought by the applicant.

Recommendations are made to alleviate any nuisance and these should be considered along with any submissions made by the applicant.

1.18. 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

Recorded Music - times as above

Facilities for Making Music - times as above

1.32. Background Information

Provided by applicant:-

Long established detached public house at London Row, Cwmavon, Port Talbot with on site car park and beer garden.

1.33. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

We run a Public House as a husband and wife team, with assistance from family members. There is a single bar supplying lounge, bar and pool room, and for off sales, and for consumption at the beer garden and we are in a position to view all arrivals and departures. We are aware of the objectives of the Licensing Act 2003 and of the statutory requirement upon us 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, and there is a street light immediately outside the property, and an external security light on the garage at the property.

The Prevention of Public Nuisance:

We are aware of the location of the property at the end of a terrace of residential units including an Old People's Home, and live on the premises ourselves and always encourage patrons to leave both premises

and car park quietly. If any live, recorded, music or karaoke is in use, we take steps to ensure that there is no disturbance to neighbouring residents.

The Protection of Children from Harm:

Persons under the age of 18 years are only permitted to be in the beer garden of the premises when accompanied by parents and we and our staff are well aware of the prohibition on providing directly or indirectly any alcohol for consumption by children. We require proof of age in respect of anyone who in our opinion might not have attained the age of 18 years.

1.34. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 5

Environmental Health

See Appendix 6

1.35 Interested Parties Representations

No representations

1.36. Policy Considerations

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

Statement of Licensing Policy

6.0 *Crime & Disorder*

6.6 *In addition to the requirements that the Council promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The council is required therefore to have particular regard to the likely impact of licensing on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can*

impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule.

6.9 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.

(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.*

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.*

1.37. Officer's Report

The police raise representations in respect of public nuisance and also crime and disorder. Recommendations are made to alleviate some of these matters. The environmental health officer also expresses concerns in respect of public nuisance and suggests restrictions on operating hours and conditions. These representations should be

considered in conjunction with representations made by the applicant.

1.38. 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

Bryn & Cwmavon

2.1. Application for Transitional Club Premises Certificate

Ref.No.: 002580 Wards Aberavon
Affected:
Premises Name: Aberavon Green Stars AFC
Premises Darwin Road, Port Talbot, West Glamorgan
Address:
Applicant Name: Mr Colin Short
Applicant 16 Cae Morfa Road, Port Talbot, West Glamorgan, SA12 7LB
Address:
Application 06/08/2005
Date:

2.2. 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	10.00am - 11.00pm
	Sunday	Noon - 10.30pm
	(on and off premises)	

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

2.3. Variation Application

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

Supply of Alcohol:
Monday - Sunday 10.00 - 00.00
Non-standard Timings:
As above.

Plays:
Monday - Sunday 10.00 - 00.00
Non-standard Timings:
This activity may be provided in line with the 12 special events days per annum.

Films:

Monday - Sunday 10.00 - 00.00

Non-standard Timings:

As above.

Indoor Sporting Events:

Monday - Saturday 10.00 - 00.00

Sunday 10.00 - 23.30

Non-standard Timings:

As above.

Live Music:

Monday - Sunday 10.00 - 00.00

Non-standard Timings:

As above.

Recorded Music:

Times as above.

Non-standard Timings:

As above.

Performance of Dance:

Times as above

Non-standard Timings:

As above.

Activity like Music/Dance:

Times as above.

Non-standard Timings:

As above.

Facilities for Dancing:

Monday - Sunday 10.00 - 00.00

Non-standard Timings:

As above.

The applicant also seeks consent that bona fide guests be allowed to purchase alcohol.

2.4. Background Information

Provided by applicant.

Premises are a single storey building of brick and wooden construction with a flat roof. There are 2 bars and a separate lounge/hall.

2.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Any person whose behaviour falls below the unexpected standard will be reported to the committee with the intention of dealing appropriately with that person and maintaining standards. All staff will be trained as to their responsibilities under the Licensing Act, especially regarding under age sale, and sales to intoxicated persons.

Responsible sales promotions such as two for one or pay for entry all you can drink for free will not be undertaken.

The premises will be open for 30 minutes after the last sale of alcohol, to allow a period for what is now referred to as drinking up time.

Beyond the time when alcohol sales are permitted, no person will be allowed to remove alcohol from the premises, and off-sales will not be permitted.

The Prevention of Crime & Disorder:

The premises is only used by members and their bona fide guests. Areas of the premises are supervised by bar staff from the servery areas and by members of the Committee around the premises themselves.

The Club has a discipline policy, and any members whose behaviour falls below the required level will be brought before the Committee and may be suspended or excluded from the Club. Any illegal activity will be reported to the Police and the fullest of co-operation will be given by committee and staff.

A committee person will be on duty at the premises whenever licensable activities are undertaken.

To ensure gaming machines are in such a position that they can be supervised by staff.

All staff will request a proof of age identification from any person who appears to be under the age of eighteen years who attempts to purchase or consume intoxicants.

There will be a regular collection of glasses and bottles.

The right to search any member or guest will be a condition of entry to the premises.

Public Safety:

The premises will comply with the requirements of the Fire Authority at any given time, in respect of procedure and equipment.

All safety equipment will be regularly tested, and a log will be kept of such tests for inspection.

Patrons of the premises are mainly of an older age group.

The premises will have fire safety equipment as per the requirements of the Fire Authority, and all fire exits will be properly maintained, free from obstructions and marked in accordance with current best practice.

A regular risk assessment will be undertaken in respect of safety issues, and all staff will be instructed on safety and evacuation procedures in the event of an incident.

In the event of an incident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

All fire and safety systems will be regularly tested, and a record of those tests will be kept on the premises for inspection.

Plastic drinking vessels will be used by persons at the outside drinking areas.

The Prevention of Public Nuisance:

During the time of any musical entertainment, doors and windows will be kept closed to minimise noise pollution.

Members and their guests will be reminded to be respectful of neighbours whilst leaving the premises, particularly late at night.

Bottling up and waste disposal will not be carried out at the close of business, but the following day.

Any person whose behaviour is below the required standard will be

requested to leave, if necessary with the assistance of the Police.

It will not be permitted to remove glass vessels from the premises, nor to remove alcohol from the premises beyond the time when alcohol is permitted to be sold. Any off sales will be in closed vessels.

The premises will be open to members and bona fide guests for a period of thirty minutes after the cessation of the last licensable activity.

The Protection of Children from Harm:

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible adult. A range of non-alcoholic drinks will be available for any young persons in the premises. Children will only be permitted during any film or entertainment in accordance with any age restriction on that film or entertainment.

Proof of age will be required from any person who appears to be under the age of 18 years.

Proof of age will be by photographic drivers licence, passport or other official photographic I.D.

2.6. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 7

Interested Parties Representations

See Appendix 8

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 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.

2.8. Officer's Report

The environmental health officer refers to existing problems with noise at the premises, and makes recommendations in relation to hours of operation and conditions.

Residents make representations with regard to noise from music, social disturbance, anti-social behaviour and car parking.

These representations should be considered after hearing any personal representations, and also any submissions from the applicant.

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

Aberavon

2.10. Application for Transitional Club Premises Certificate

Ref.No.: 002609 Wards Briton Ferry West
Affected:
Premises Name: Briton Ferry RFC
Premises Address: 40 Ynysmaerdy Road, Briton Ferry, Neath
Applicant Name: Mr Brian Evans
Applicant Address: 75 Rockingham Terrace, Neath, West Glamorgan, SA11 2PH
Application Date: 06/08/2005

2.11. 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	10.00am - 11.00pm
	Sunday	Noon - 10.30pm
	(on and off premises)	

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

2.12. Variation Application

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

Supply of Alcohol:
Monday - Sunday 09.00 - 01.00

Plays:
Times as above.

Films:
Times as above.

Indoor Sporting Events:
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 Dancing:
Times as above.

The applicant also seeks consent for alcohol to be sold to bona fide guests.

2.13. Background Information

Provided by applicant:-

Premises are a single storey property with a main hall, lounge and lounge bar, a games room, dining/meeting room, trophy bar and two kitchens.

2.14. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Any person whose behaviour falls below the expected standard will be reported to the Committee with the intention of dealing appropriately with that person and maintaining standards. All staff will be trained as to their responsibilities under the Licensing Act, especially irresponsible sales promotions such as two for one or pay for entry all you can drink for free will not be undertaken.

The premises will be open to the public for 30 minutes after the last sale of alcohol to allow a period for what is now referred to as drinking up time.

Beyond the time when alcohol sales are permitted, no person will be allowed to remove alcohol from the premises and off sales will not be permitted.

The Prevention of Crime & Disorder:

The premises is only used by members and bona fide guests. Areas of the premises are supervised by bar staff from the servery areas and by members of the Committee around the premises themselves.

The Club has a discipline policy, and any members whose behaviour falls below the required level will be brought before the Committee and may be suspended or excluded from the Club. Any illegal activity will be reported to the Police and the fullest of co-operation will be given by Committee and staff.

A Committee person will be on duty at the premises whenever licensable activities are undertaken.

To ensure gaming machines are in such a position that they can be supervised by staff.

All staff will request a proof of age identification from any person who appears to be under the age of eighteen years who attempts to purchase or consume intoxicants.

There will be a regular collection of glasses and bottles.

The right to search any member or guest will be a condition of entry to the premises.

Public Safety:

The premises will comply with the requirements of the Fire Authority at any given time, in respect of procedure and equipment.

All safety equipment will be regularly tested, and a log will be kept of such tests for inspection.

Patrons of the premises are mainly of an older age group.

The premises will have fire safety equipment as per the requirements of the Fire Authority, and all fire exits will be properly maintained, free from obstruction and marked in accordance with current best practice.

A regular risk assessment will be undertaken in respect of safety issues, and all staff will be instructed on safety and evacuation

procedures in the event of an incident.

In the event of an incident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

All fire and safety systems will be regularly tested, and a record of those tests will be kept on the premises for inspection.

Plastic drinking vessels will be used by persons at the outside drinking areas.

The Prevention of Public Nuisance:

During the time of any musical entertainment, doors and windows will be kept closed to minimise noise pollution.

Members and their guests will be reminded to be respectful of neighbours whilst leaving the premises, particularly late at night.

Bottling up and waste disposal will not be carried out at the close of business, but the following day.

Any person whose behaviour is below the required standard will be requested to leave, if necessary with the assistance of the Police.

It will not be permitted to remove glass vessels from the premises, nor to remove alcohol from the premises beyond the time when alcohol is permitted to be sold. Any off sales will be in closed vessels.

The Protection of Children from Harm:

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible adult. A range of non-alcoholic drinks will be available for any young persons in the premises.

Proof of age will be required from any person who appears to be under the age of 18 years who attempts to purchase or consume alcohol. Proof of age will be by photographic drivers licence, passport or other official photographic I.D. Children will not be permitted in the premises beyond 10.00pm on any day, and beyond midnight when an area of the premises is being used for a private function.

2.15. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 9

Interested Parties Representations

See Appendix 10

2.16. 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.*

2.17. Officer's Report

The environmental health officer's representations refer to prevention of public nuisance.

The officer recommends restrictions on the operating hours for music at the premises. A resident makes representations in respect of social noise and problems caused by persons drinking in the area, although these premises are not specifically referred to by the resident.

These matters should be taken into consideration along with any submissions by the applicant.

2.18. 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

Briton Ferry