

# LICENSING (2003 ACT) SUB COMMITTEE

6<sup>th</sup> 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-061005 -REP-FS-CJ

<b>SECTION A – MATTERS FOR DECISION</b>		
<b>Report Item</b>	<b>Page Nos</b>	<b>Wards Affected</b>
<b>1. Licensing Act 2003 Premises Licence Applications</b>		
Ref.No.: 002353 Premises Name: Colliers Arms Premises Address: Colliers Arms, Efail Fach, Pontrhydyfen, Port Talbot, SA12 9TY	<b>3-10 Appendix 1 &amp; 2</b>	Pelenna
Ref.No.: 002350 Premises Name: The Full Moon Premises Address: The Parade, Neath, SA11 1RB	<b>11 – 19 Appendix 3 &amp; 4</b>	Neath North
Ref.No.: 002586 Premises Name: Jade House Fish Bar Premises Address: 40 Mayberry Road, Port Talbot, West Glamorgan, SA12 8DG	<b>20 – 24 Appendix 5</b>	Baglan

<b>Report Item</b>	<b>Page Nos</b>	<b>Wards Affected</b>
<p data-bbox="197 241 823 322"><b>2. Licensing Act 2003 Club Licence Applications</b></p>		
<p data-bbox="150 371 831 537">           Ref.No.: 002636            Premises Name: Neath Cricket Club            Premises Address: Dyfed Road, Neath, West Glamorgan, SA11 3AW         </p>	<p data-bbox="959 371 1123 497"> <b>25 – 29</b>  <b>Appendix</b>  <b>6,7 &amp; 8</b> </p>	<p data-bbox="1145 371 1337 407">Neath North</p>



A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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

Additional hour for 1st March (St Davids Day).

An additional one hour on the morning of Christmas day (11:00 - 12:00).

**Opening Hours:**

Monday & Tuesday 11:00 23:30

Wednesday - Saturday 11:00 01:30

Sunday 12:00 23:00

**Non-standard Timings:**

As above

**Live Music:**

Monday & Tuesday 11:00 23:00

Wednesday - Saturday 11:00 01:00

Sunday 12:00 22:30

**Non-standard Timings:**

As above

**Recorded Music:**

Times as above

Indoors

Amplified recorded music ancillary to sale of alcohol.

**Facility like Music/Dance:**

Times as above

Indoors

Karaoke

**Late Night Refreshment:**

Wednesday - Saturday 23:00 01:00

**Non-standard Timings:**

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

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

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

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

Additional hour for 1st March (St Davids Day).

#### **1.4 Background Information**

Provided by applicant:

A detached traditional stone built building, consisting of bar, lounge, exterior drinking balcony to rear and benches to the front.

A car park to the side accommodates 36 cars plus one disabled bay.

Living accommodation, 2 bedrooms, lounge and bathroom. Burglar alarm, emergency lighting, illuminated signs.

Disabled access and car parking available.

Children allowed in with adults to eat.

Lounge 80% non-smoking area.

Well lit exterior.

Air extract fans.

Entrance lobby and side entrance.

Licensees liaise with Police and locals.

Nearest licensed outlet is 1/2 mile away.

Nearest resident 20 feet away.

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

The following information has been provided by the applicant:

General - all four licensing objectives:

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

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

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

The Prevention of Crime & Disorder:

Food led family pub, with bar appealing to local community, as such, little or no trouble.

Licensee liases with Police regarding any concerns within the area.

Zero tolerance to drugs.

Licensee liases with other publicans and residents within the area.

Car park and exterior well lit.

Burglar alarm installed.

Public Safety:

Non smoking areas.

Emergency lighting and illuminated signs.

Disabled parking and access available through side door with all walkways kept clear for ease of access.

Air extract units throughout the trading areas.

The Prevention of Public Nuisance:

Lessee monitors noise around the pub when live music is being played.

Doors and windows kept closed when live music is being played.

Licensee liases with local residents and encourages feedback on any concerns that may arise.

Customers encouraged to leave quietly.

Taxis encouraged to not sound horns outside pub.

The Protection of Children from Harm:

Children only allowed when accompanied by an adult.

**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.*

### 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.*

## **1.8 Officer's Report**

The Police express concerns in respect of crime and disorder, public safety and prevention of public nuisance, in view of the hours sought. Recommendations are made to address some of the issues raised.

The Environmental Health Officer makes representations in respect of public nuisance and recommends restrictions on opening hours and conditions to minimise nuisance.

These should be considered along with any submissions made by 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](mailto:j.sullivan@npt.gov.uk)

### **Wards Affected**

Peleenna

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

Ref.No.: 002350 Wards Neath North  
Affected:  
Premises Name: The Full Moon  
Premises Address: The Parade, Neath, SA11 1RB  
Applicant Name: Mr Michael Bruce Murray  
Applicant Address: The Full Moon, The Parade, Neath, SA11 1RB  
DPS Name: Mr Michael Bruce Murray  
DPS Address: The Full Moon, The Parade, Neath, SA11 1RB  
Application Date: 06/08/2005

## **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)	

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

## **2.3 Variation Application**

Supply of Alcohol:

Sunday - Thursday	10:00 00:00
Friday & Saturday	10:00 02:00

Non-standard Timings:

A further additional hour every Christmas eve and boxing day should it fall on any other day apart from Friday and Saturday.

Opening Hours:

Sunday - Thursday	10:00 00:30
Friday & Saturday	10:00 02:30

Non-standard Timings:

As above

Recorded Music:

Sunday - Thursday

10:00 00:00

Friday & Saturday

10:00 02:00

Non-standard Timings:

As above

## **2.4 Background Information**

Provided by applicant:

Town centre pub consisting of 2 main bars which are the lounge bar and games room each with a servery. There is a pool table and darts in the games room. The lounge bar consists of fixed seating and 6 tables. There is a beer garden to the rear.

## **2.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

Thirty minute drinking up time will allow appropriate dispersal of customers and use of toilets at closing time.

The Prevention of Crime & Disorder:

Bottles and Glasses:

Alcoholic and soft drinks will be served in plastic or toughened glasses when customers are using the outside seating areas.

Customers are not permitted to take open containers of alcohol or soft drinks from the premises.

All bottles and glasses are removed from public areas as soon as they are finished with or empty, a designated glass collector is available during busier periods.

Proof of Age Cards:

We have a proof of age policy which has been formulated in discussion with the police and licensing authority. Only photographic identification such as drivers licence or passport is acceptable.

Drinks Promotions:

Happy Hours and all inclusive nights or other irresponsible drinks promotions are not permitted.

Drugs:

We have an anti drugs policy that has been agreed following discussions with the police and displaying notices i.e. Spiking of drinks.

#### Notices:

A notice will be displayed warning customers of our zero tolerance policy with anti-social, drunken and quarrelsome behaviour and that they could be barred from all licensed premises in the vicinity.

Any restrictions on the admission of children to the premises are displayed outside the premises.

#### General:

The premises is a member of Pub watch and a representative attends pub watch meetings and participates in all initiatives.

A person holding the national licensee's certificate will be on the premises at all times when alcohol is being served or regulated entertainment provided.

All instances of crime and disorder will be reported to the police as soon as reasonably practicable.

#### Public Safety

##### Bottles and Glasses:

Alcoholic and soft drinks will be served in plastic or toughened glasses when customers are using the outside seating areas.

Customers are not permitted to take open containers of alcohol or soft drinks from the premises.

All bottles and glasses are removed from public areas as soon as they are finished with or empty, a designated glass collector is available during busier periods.

##### Drugs:

We have an anti drugs policy that has been agreed following discussions with the police and displaying notices i.e. Spiking of drinks.

#### Notices:

A notice will be displayed warning customers of our zero tolerance policy with anti-social, drunken and quarrelsome behaviour and that they could be barred from all licensed premises in the vicinity.

Any restrictions on the admission of children to the premises are displayed outside the premises.

##### Fire Safety:

A suitable fire risk assessment will be carried out at the premises on a quarterly basis.

All exit doors are checked regularly to ensure they function satisfactorily.

All fire doors are maintained affectively self closing and will not be

held open other than by approved devices.

Fire resisting doors to service shafts, ducts and cupboards are kept locked shut.

Stairs and step edges are appropriately highlighted so as to be conspicuous.

Hangings, curtains and temporary decorations are maintained in a flame retardant condition.

Upholstered seating is fire retardant and complies with current fire safety regulations.

Notices detailing actions to be taken in the event of fire or other emergency are prominently displayed and maintained in good condition.

An evacuation policy will be in place that it to the satisfaction of the Fire Authority. All staff members will be trained in the evacuation policy.

#### First Aid:

Adequate and appropriate first aid equipment and materials are available on the premises located behind the bar.

At least one suitable trained first aider will be on duty when the public are present.

#### Lighting:

In the absence of adequate daylight, suitable and sufficient lighting is provided and maintained in any area accessible to the public.

Fire safety signs are adequately illuminated.

Emergency lighting is installed and regularly maintained.

Emergency lighting tests are conducted monthly. Records of these tests are shown in the fire log book situated on site.

#### Safety Certificates:

The premises have a satisfactory NCEIC periodic electrical installation and emergency lighting report.

The premises has suitable public liability insurance. A certificate is obtained each year and displayed at the premises.

The premises have a certificate of inspection for portable fire fighting equipment. An agreement is in place with Chubb for regular servicing and a new certificate is obtained each time.

#### General:

A suitable evacuation plan in case of emergency is in operation at the premises.

Free drinking water is available at all times when the premises is open to the public.

Local taxi services are promoted to ensure safe departure.

A policy is in place for escorting all patrons from the premises to a

licensed taxi or private hire vehicle should a request be made.

The Prevention of Public Nuisance:

Noise and Vibration:

Doors and windows will be kept closed whenever necessary.

A lobbied entrance is availed which minimises noise emission.

Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave to premises and the area quietly.

The placing of bottles into bins outside the premises is only permitted to take place between the hours of 08:00am to 10:00pm to minimise disturbance to nearby properties.

Noxious Smells:

All ventilation and extract systems are designed and maintained so as to prevent noxious smells causing a nuisance to nearby properties.

Refuse receptacles are cleaned with disinfectant every week.

Light Pollution:

We do not use flashing or bright lights on or outside the premises and any security or access lighting is installed and operated so as not to cause a nuisance to nearby properties.

All outside lighting is operated on a timer and is turned off at close of business.

Litter:

The premises has a waste collection contract with Biffa who removes waste weekly.

Staff undertake a litter pick to a distance of 5 meters around the premises every week.

The Protection of Children from Harm:

Unaccompanied children are not permitted on the premises.

Children are not permitted in the bar, save use of toilets.

Accompanied children are only allowed on the premises if they are eating food from the menu provided between the hours of 12 noon and 18:00 hours.

AWP is positioned in sight of the bar counter.

The AWP and Cigarette machines are easily observed.

Proof of age cards must be provided.

Licensee shall walk the premises to ensure laws are being complied with.

## **2.6 Relevant Representations:**

### **Responsible Authorities Representations**

#### Police

See Appendix 3.

#### Environmental Health

See Appendix 4.

### **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 *(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.*

## **2.8 Officer's Report**

The police make representations on grounds of crime and disorder, public safety and prevention of public nuisance based on the location of the premises in Neath Town Centre.

Various requirements are made to deal with some of the issues raised by the police.

The environmental health officer refers to the prevention of public nuisance in his representations and specifies restrictions on opening hours to deal with this matter.

The above representations should be taken into account along with any submissions made by 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) 686206 email j.sullivan@npt.gov.uk

### **Wards Affected**

Neath North

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

Ref.No.: 002586 Wards Baglan  
Affected:  
Premises Name: Jade House Fish Bar  
Premises Address: 40 Mayberry Road, Port Talbot, West Glamorgan, SA12 8DG  
Applicant Name: Mr Kwok Kin Li  
Applicant Address: Jade House Fish Bar, 40 Mayberry Road, Port Talbot, West Glamorgan, SA  
DPS Name:  
DPS Address:  
Application Date: 10/08/2005

### **3.2 Licence Application**

The applicant seeks to provide the following licensable activities:-

Opening Hours:  
Monday – Sunday 23.00 - 00.30

Late Night Refreshment:  
Monday to Sunday 23.00 - 24.00

#### **3.1.1 Background Information**

Provided by applicant:  
Chinese takeaway fish and chip shop

### **3.4 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:  
None

The Prevention of Crime & Disorder:  
None

Public Safety:  
None

The Prevention of Public Nuisance:  
None

The Protection of Children from Harm:

None

**3.5 Relevant Representations:**

**Responsible Authorities Representations**

No representations

**Interested Parties Representations**

See Appendix 5

**3.6 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***

8.7 *When considering the potential for noise or disturbance, the licensing authority advises that where appropriate the following matters should be addressed in the operating schedule:*

*The need for these will be dependent to the style and characteristics of the premises and events.*

*Obtaining advice from a suitably qualified acoustic specialist to determine any impact from activities. This applies both to music noise, and vibration.*

*Steps taken to control the emission of noise from the premises by ensuring that doors and windows are kept closed, e.g. entertainment noise, plant noise and social noise.*

*Structural alterations carried out to minimise noise leakage from the premises, including sound insulation, acoustic lobbies, provision of air conditioning.*

*Systems in place to deal with disorder on the premises.*

*Measures to be taken to ensure that windows and doors are kept*

*closed during periods when amplified music is being played.*

*Steps taken to ensure that fire doors are kept closed.*

*The arrangements in place to ensure that patrons leaving the premises do so in a way that does not disturb nearby residents.*

*The use of CCTV systems to monitor the immediate area outside the premises and car park area.*

*The measures taken to ensure that patrons arriving and leaving by taxi / minibuses do not disturb residents by arranging with taxi / minibus companies agreed pick up and drop off points and to avoid use of horns etc.*

*Liaison with public transport providers.*

*If the applicant has previously held a licence the history of enforcement action arising from these premises.*

*Steps taken by the applicant to minimise any light pollution affecting the community.*

*Details of any refuse storage, and disposal of any additional litter generated as a result of the activity.*

*Steps to avoid late night noise from disposal of empty bottles.*

*Measures to minimise noise from staff leaving the premises.*

*Details as to whether the use of a noise limiter has been considered to control noise levels.*

*The use of prominent signs displayed requesting patrons to have regard to local residents when leaving the premises.*

*Steps to be taken to avoid any noxious smells from causing nuisance to local residents.*

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

- 8.8 *The council may require measures to deal with problems of litter. In particular with regard to licensed takeaway or fast food premises, the requirement to remove litter from the vicinity of the premises and or provide litter bins and or clean the area in the vicinity of the premises.*

*Secretary of State's Guidance*

## **7.0 Prevention of Public Nuisance**

- 7.39 *The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

- 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.*
- 7.46 *The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour. As with all conditions, the licensing authority will have to consider whether such a requirement is necessary having regard to the licensable activities carried on, the type and characteristics of the premises.*

### **3.7 Officer's Report**

Representations are made by residents in respect of crime and disorder and prevention of public nuisance. Issues raised include alleged anti-social behaviour by customers to the premises, noxious smells, and litter and social disturbance. Any licence issued could be conditioned to deal with most of these issues, however sound disturbance may be more difficult to deal with and members will need to consider any personal representations and the applicants submission before deciding on the most appropriate course of action.

### **3.8 Recommendation**

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

#### **List of Background Papers**

Application of Premises Licence

#### **Officer Contact**

J Sullivan Principal Officer Licensing

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

#### **Ward Affected**

Baglan



#### **4.1 Application for Transitional Club Premises Certificate**

Ref.No.:	002636	Wards	Neath North
		Affected:	
Premises Name:	Neath Cricket Club		
Premises Address:	Dyfed Road, Neath, West Glamorgan, SA11 3AW		
Applicant Name:	Mr Phil Shaddick		
Applicant Address:	2 Castle Street Skewen SA10 6BY		
Application Date:	05/08/2005		

#### **4.2 Conversion Application**

The premises have traded as a registered club for many years and are entitled to a 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 Sunday 10.00 - 23.00  
Sunday Noon - 22.30  
(on and off premises)

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 to Saturday 08.00 - 02.00

Plays:  
Monday to Sunday 18.00 - 00.01

Films:  
Monday to Sunday 11.00 - 02.00

Live Music:  
Monday to Sunday 12.00 - 00.01

Recorded Music:  
Monday to Sunday 12.00 - 01.00

Facilities for Dancing:  
Monday to Sunday 12.00 - 01.00

Restrictions requested to be lifted:

Weekdays 11.00 to 23.00

Sundays, Christmas Day and Good Fri

Midday - 15.00

07.00 - 22.30

**4.4 Background Information**

Provided by applicant:

Neath Cricket Club exists for its members and guests for the furtherance of sport and social intercourse. It is situated on the perimeter of the cricket field surrounded by Neath Rugby Football Club, Leisure Centre tennis courts and Oakwood Road, off sales will be consumed within the immediate vicinity of the club i.e spectator areas.

**4.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

All staff and members are vigilant in respect of any possible illegal activities and in particular any suspected drug use. Any suspicions are reported to the relevant authorities.

Public safety:

The club premises has numerous fire extinguishers and fire blankets serviced annually.

The Prevention of Public Nuisance:

sound amplifications is reduced after 23.00 hrs and all staff and members ensure that people vacate the premises peacefully.

The Protection of Children from Harm:

If there is any suspicion as to a persons age a form of identity is requested and if not supplied service is refused.

Restrictions requested to be lifted:

Weekdays 11.00 to 23.00

Sundays, Christmas Day and Good Fri

Midday - 15.00

07.00 - 22.30

#### **4.6 Relevant Representations:**

##### **Responsible Authorities Representations**

###### Police

See Appendix 6

###### Environmental Health

See Appendix 7

##### **Interested Parties Representations**

See Appendix 8

#### **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.*

#### **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 relate to crime and disorder and prevention of public nuisance and proposals are put forward to minimise any problems.

The environmental health officer refers to public nuisance and expresses concern at the hours sought for the provision of nuisance and operating hours. Restrictions on these hours and licence conditions and proposed to address these issues. Residents make representations in respect of nuisance for litter, noise. The issue of car parking does not relate to any of the licensing objectives and is not considered relevant in the context of the licensing application.

#### **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

#### **Ward Affected**

Neath North