

LICENSING (2003 ACT) SUB COMMITTEE

7th November 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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1.5 Relevant Representations:

Responsible Authorities Representations

No representations

Interested Parties Representations

See Appendix 1

1.6 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.*

1.7 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.

1.8 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

2.1 Application for Premises Licence

Ref.No.: 002660 Wards Neath North
Affected:
Premises Name: Subway Sandwich Shop
Premises Address: 5 The Parade, Neath, SA11 1PU
Applicant Name: Lavamyz Ltd
Applicant Address: 4 Clos Caegwenith, Tonna, Neath, West Glamorgan, SA11 3ER
DPS Name:
DPS Address:
Application Date: 19/09/2005

2.2 Licence Application

The applicant seeks to provide the following licensable activities:-

Opening Hours:
Friday & Saturday 23.00 - 02.30
Non-standard Timings:
Bank holiday weekends Sunday 01.00 close.

Late Night Refreshment:
Friday & Saturday 23.00 - 02.30
Non-standard Timings:
As above

2.3 Background Information

Provided by applicant:-
Retail sandwich shop

2.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

CCTV
Alarm
Drug and alcohol policy
Training

Public Safety:

Emergency lighting
CCTV

Health & Safety training
Fire alarms/fire safety

The Prevention of Public Nuisance:
Management of ambient music

The Protection of Children From Harm:
100% non-smoking

2.5 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 2

Interested Parties Representations

No representations

2.6 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.*

6.9 *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.

(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.

8.0 Prevention of Public Nuisance

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 States Guidance

7.0 Prevention of Nuisance

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.

2.7 Officer's Report

Representations from the police refer to crime and disorder, public safety, prevention of public nuisance. Various requirements are proposed with a view to preventing or minimising problems relating to the above objectives.

2.8 Recommendation

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

List Of Background Papers

Application for Premises Licence

Officer Contact

J Sullivan Principal Officer Licensing

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

Wards Affected

Neath North