

**LICENSING (2003 ACT) SUB COMMITTEE**

**7th December 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-071205-REP-FS-CJ**

| <b>SECTION A – MATTERS FOR DECISION</b>   |   |                       |
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| <b>Report Item</b>  | <b>Page Nos</b>                                 | <b>Wards Affected</b> |
| <b>1. Licensing Act 2003 Premises<br/>Licence Applications</b>  |   |                       |
| Ref.No.: 002154<br>Premises Name: Tyn Y Twr Tavern<br>Premises Address: Tyn Y Twr Road,<br>Baglan, Port Talbot, West Glamorgan,<br>SA12 8YB | <b>2-7</b><br><br><b>Appendix<br/>1 &amp; 2</b> | Baglan                |



### **1.3. Variation Application**

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

#### Supply of Alcohol:

|                    |               |
|--------------------|---------------|
| Sunday to Thursday | 11.00 – 00.00 |
| Friday & Saturday  | 11.00 – 00.30 |

#### Opening Hours - Standard Timings:

|                   |               |
|-------------------|---------------|
| Monday - Thursday | 11.00 - 00.15 |
| Friday & Saturday | 11.00 - 00.45 |
| Sunday            | 11.00 - 00.15 |

#### Indoor Sporting Events:

|          |               |
|----------|---------------|
| Tuesday  | 18.00 - 00.00 |
| Thursday | 18.00 - 00.00 |
| Sunday   | 18.00 - 00.00 |

#### Live Music:

|          |               |
|----------|---------------|
| Monday   | 17.30 - 20.30 |
| Friday   | 21.30 - 00.00 |
| Saturday | 21.30 - 00.00 |

#### Recorded Music:

|                   |               |
|-------------------|---------------|
| Monday - Thursday | 11.00 - 00.00 |
| Friday & Saturday | 11.00 - 00.30 |
| Sunday            | 11.00 - 00.00 |

#### Activity like Music/Dance:

|           |               |
|-----------|---------------|
| Wednesday | 18.00 - 00.00 |
|-----------|---------------|

#### Facilities for Making Music:

|                   |               |
|-------------------|---------------|
| Monday - Thursday | 11.00 - 00.00 |
| Friday & Saturday | 11.00 - 00.30 |
| Sunday            | 11.00 - 00.00 |

#### Facilities for Dancing:

Times as above.

#### **1.4. Background Information**

Provided by applicant:-

Public house with residential accommodation.

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

The following information has been provided by the applicant:

##### **General - all four licensing objectives:**

Strict control will be exercised by the licensees on all activities.

##### **The Prevention of Crime & Disorder:**

All current customers are known to the licensees.

New customers appearing under 21 are asked for identification.

Strict control is exercised over all customers and over the premises in relation to consumption of alcohol and behaviour.

##### **Public Safety:**

There are no drink promotions.

See above.

##### **The Prevention of Public Nuisance:**

Strict control over customers both inside and outside the premises.

Taxi drivers are requested to collect customer's from inside and not sound horns.

Windows and doors are closed for live music. Signs as to behaviour will be exhibited.

##### **The Protection of Children from Harm:**

Children are not allowed in the bar area except on christenings and

funeral receptions and Sunday lunches. They leave by 20:00 parents are requested to supervise them at all times while on the premises.

## **1.6. Relevant Representations:**

### **Responsible Authorities Representations**

#### Environmental Health

See Appendix 1

### **Interested Parties Representations**

See Appendix 2

## **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 minimizing 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**

Representations relate to public nuisance this includes both noise from music, and also social disturbance from customers and vehicle movements, taxis etc.

Restrictions and conditions are recommended by the environmental

health officer to mitigate this problem. These can be considered after all submissions have been heard.

The issue of car parking is not a relevant consideration although noise from vehicles, beeping horns, and the general social disturbance can be taken into account if members are satisfied that it is connected directly to the premises.

**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**

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**Wards Affected**

Baglan