

LICENSING & GAMBLING ACTS SUB COMMITTEE
8TH JULY 2008

DIRECTORATE OF FINANCE AND CORPORATE SERVICES
REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES
– D. MICHAEL

INDEX OF REPORT ITEMS

PART 1–Doc.Code: LICAS-080708-REP-FS-DM

SECTION A – MATTERS FOR DECISION			
Report Item		Page Nos	Wards Affected
1.0 Application for a premises licence			
Reference Number	008021		
Name	The Beez Kneez	2-6	Neath East
Address	104 Windsor Road Neath Neath Port Talbot SA11 1DY		

1.1 Application for a Premises Licence

Ref.No.:	008021	Wards Affected:	Neath East
Premises Name:	The Beez Kneez		
Premises Address:	104 Windsor Road, Neath, SA11 1NR		
Applicant Name:	The Beez Kneez Ltd.		
Applicant Address:	Holmwood, Pentwyn, Treharris, Mid Glamorgan, CF46 5BS		
DPS Name:	Mr Kai Tin Choi		
DPS Address:	19 Gordon Avenue, Whitehall, Bristol, BS5 7DY		
Application Date:	22-5-08		

1.2 Licence Application

Opening Hours

Monday to Sunday 0800 – 0030
New Years Eve 0800 – 0230

Supply of Alcohol

Monday to Sunday 1000 – 2400
New Years Eve 1000 – 0200

Films: Indoors

Monday to Sunday 0800 – 2400
New Years Eve 0800 – 0200

Live Music: Indoors

Monday to Sunday 1000 – 2300
New Years Eve 1000 – 0200

Recorded Music: Indoors

Times as above

Performance of dance: Indoors

Times as above

Facilities for making music: Indoors

Times as above

Facilities for dancing: Indoors
Times as above

Late night refreshment: Indoors
Monday to Sunday 2300 – 0030
New Years Eve 2300 – 0230

Background Information

Two storey premises located on Windsor Road, Neath. The application relates to the ground floor only, which will be separated into takeaway and restaurant areas

1.3 Promotion of Licensing Objectives

The prevention of crime and disorder

Ensure all staff to be alert to any potential disorderly conduct, to disallow such conduct on the premises, however if situation is potentially difficult to control, then to contact the police for assistance.

To disallow sale of alcohol to a person who is drunk

Public safety

Ensure all staff to be alert of suspicious activities which may affect public safety. These are to be reported to the police so that the safety of the general public is taken care of

The prevention of public nuisance

All doors and windows to be kept closed whilst amplified music is being played

Display of signage on the premises to remind people and staff not to create noise that may cause disturbance to the neighbourhood.

The protection of children from harm

Ensure that no alcoholic beverages are sold or supplied to children under the legal age

Ensure that for a young person a “proof of age” card / photo driving licence / student card / passport is examined before the sale of alcohol to him/her.

1.4 Relevent Representations

Responsible Authorities

Environmental Health – See appendix 1

The Environmental Health Officer recommends that a condition be attached to the licence that “entertainment noise shall be inaudible inside any noise sensitive property.”

Interested Parties

None

1.5 Policy Considerations

Licensing Policy

8.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The Council wishes to maintain and protect the amenity of residents and businesses from potential consequence of the operation of licensed premises. However it also recognises the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.

8.2 The Council will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be determined by the style and characteristics of the premises and events.

Secretary Of States Guidance

2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

2.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

1.6 Officer Report

[The premises was formerly the Oxford Arms located on Windsor Road in Neath and currently holds a premises licence authorising the supply of alcohol and regulated entertainment. The premises has undergone a refurbishment and will now operate as a restaurant with a takeaway facility. Due to the works carried out, it was necessary for an application for a new premises licence to be made. It is the applicant's intention to surrender the existing licence if the new premises licence is granted.

The applicant has agreed to the condition recommended by the Environmental Health Officer.]

1.7 Recommendation

[Approval subject to the condition recommended by the Environmental Health Officer]

List of Background Papers

Application for Premises Licence.

Officer Contact

J Sullivan Licensing Manager
Tel (01639) 763056
email j.sullivan@npt.gov.uk

Wards Affected

[Neath East]

Appendix 1



Tony John
01639 685630
27/05/2008
TJ/139648

From **Oddi wrth**
Tel **Ffôn**
Date **Dyddiad**
Your Ref **Eich Cyf**
Our Ref **Ein Cyf**

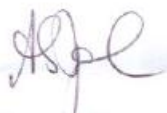
Memorandum **Memorandwm**
To At

TO: Licensing Section FAO Jim Sullivan

**SUBJECT: Licensing Applications received for a Premise Licence at The Beez Kneez,
104 Windsor Road, Neath.**

I have the following comments to make relating to the application listed –

1. Due to the close proximity of residential property to the application site and the fact that live music is proposed I recommend that a condition be applied to any licence granted that entertainment noise shall be inaudible inside any noise sensitive property.
2. It is noted that the applicant offers to keep all windows and doors closed when amplified music is being played and would recommend that this is also made a condition on any licence granted.



Tony John
Environmental Health Officer