

**LICENSING (2003 ACT) SUB COMMITTEE**

**8th August 2005**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

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**PART 1 – Doc.Code: LICAS-080805-REP-FS-CJ**

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<b>1. Licensing Act 2003 Premises Licence Applications</b>		
Ref.No.: 001717 Premises Name: Smith and Jones Premises Address: 44-46 Station Road, Port Talbot, SA13 1JS		Port Talbot
Ref.No.: 001702 Premises Name: The Colliers Arms Premises Address: New Road, Skewen, Neath, SA10 6ET		Coedffranc Central

## **1.1. Licence Application for Premises Licence**

Ref.No.: 001717 Wards Port Talbot  
Affected:  
Premises Smith and Jones  
Name:  
Premises 44-46 Station Road, Port Talbot, SA13 1JS  
Address:  
Applicant Barracuda Pubs & Bars Limited  
Name:  
Applicant Henley Road, Medmenham, Marlow, Bucks, SL7 2ER  
Address:  
DPS Name: Mr David Paul Spiller  
DPS Address: 2 Pippin Hill Cottages, Acton Beauchamp,  
Worcestershire, WR6 5AD  
Application 13/06/2005  
Date:

## **1.2 Licence Application**

Consent is sought for the following licensable activities:-

Supply of Alcohol:  
Monday to Sunday 10.00 - 00.00

Opening Hours:  
Monday to Sunday 10.00 - 00.30

Live Music:  
Monday to Sunday 10.00 - 00.00

Recorded Music - times as above

Performance of Dance - times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

Late Night Refreshment:  
Monday to Sunday 23.00 - 00.30

### **1.3 Background Information**

The applicant proposes a community public house providing entertainment and food serving a wide age range, located within a mixed retail/commercial area.

The premises currently operates as a retail shop and are unlicensed. The applicant proposes to convert the premises in accordance with the deposited plan and the submitted operating schedule. A planning consent has been obtained by the applicant.

### **1.4 Promotion of Licensing Objectives**

The applicant has provided the following information:-

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

CCTV shall be installed at the premises. The number and locations of the camera/monitors and recording equipment to be agreed with the police.

Recordings to be stored in a safe environment for a period of time agreed with the Crime Prevention Officer and made available to an authorised officer of the licensing authority or police.

The system shall be maintained and images stored in accordance with the Data Protection Act and any other relevant legislation relating to the use of the systems.

Any door supervisor employed by the company will be licensed under the Private Security Industry Act 2001.

A drugs policy will be agreed with the police and implemented.

Toughened glass will be used at the premises where available.

Drinks promotions will not be permitted allowing unlimited supply of alcohol for a set price.

A representative of the premises licence holder will actively participate in a Pub Watch scheme where such a scheme exists.

## Public Safety

Plans submitted incorporate proposals in respect of public safety measures. i.e. means of escape, fire detection, fire fighting equipment and emergency lighting.

There will be liaising with relevant authorities to ensure all appropriate inspections are carried out to the satisfaction of each authority before the premises commence trading.

Compliance with all buildings regulations requirements.

## The Prevention of Public Nuisance

Notices asking patrons to leave quietly shall be displayed at the premises.

## The Protection of Children from Harm

Persons under the age of 18 will only be permitted entry when trading if accompanied by an adult.

Persons under 18 will not be permitted to play the amusement with prizes machines.

# **1.5 Relevant Representations**

## Responsible Authorities Representations

### Police

See representations at Appendix 1.

### Environmental Health

See representations at Appendix 2.

### Planning

See representations at Appendix 3.

## Interested Parties Representations

No representations.

### **1.6 Policy Considerations**

The following policies are considered 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.*

##### **8.0 *Prevention of Public Nuisance***

- 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.*
- 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*

*The following sections are considered relevant to the application:-*

#### ***Cumulative Impact***

- 3.21 *The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.*

#### ***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.*

### ***Planning***

3.51 *A statement should also indicate:-*

- *that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control<sup>4</sup> where appropriate. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such*

*matters when taking its decisions and avoid any unnecessary overlap.*

## **1.7 Officer's Report**

The committee is required to determine this application after taking into consideration the need to promote the licensing objectives and also the guidance issued by the Secretary Of State and the Neath Port Talbot Statement of Licensing Policy.

The basis of the police representation is that there will be a negative cumulative impact on the crime and and disorder objective.

The authority does not presently have a special policy in respect of cumulative impact but paragraph 3.21 of the Secretary of State's Guidance indicates that the licensing authority can properly consider the representations.

The issues in relation to parking will have been considered by the planning committee and Members need to determine whether it is appropriate for it to be re-considered by this Committee.

With regard to the planning consent, the hours of operation requested under the premises application are beyond those specified in the planning consent. Members are referred to paragraphs 3.51 of the Secretary of State's Guidance, which suggests that a consent should be in place. However, members have a discretion to assess the merits of each application.

Dealing with the representations in respect of public nuisance, the Environmental Health Officer is suggesting that consideration be given to requiring an acoustic report. As there is also a planning condition requiring the submission of a sound proofing scheme, it is likely that these matters can be considered and resolved to the satisfaction of planning and environmental health.

## **1.8 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**

Port Talbot

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

Ref.No.:	001702	Wards	Coedffranc
		Affected:	Central
Premises Name:	Colliers Public House		
Premises Address:	Colliers Arms, New Road, Skewen, Neath, West Glamorgan, SA10 6ET		
Applicant Name:	Mr Edward Benjamin Cant		
Applicant Address:	The Colliers Arms, 210 New Road, Skewen, Neath, SA10 6ET		
DPS Name:	Mr Edward Benjamin Cant		
DPS Address:	The Colliers Arms, 210 New Road, Skewen, Neath, SA10 6ET		
Application Date:	16/06/2005		

## 2.2 **Conversion Application**

The premises have traded as a Public House for many years, and are entitled to a Premise Licence in respect of the existing licences and conditions.

The relevant licensable activities are presently:-

The sale of alcohol	Monday - Saturday	10.00 - 23.00
	Sunday on and off premises	Noon - 22.30

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 to Sunday 12.00 - 02.00

Opening Hours:  
Monday to Sunday 12.00 - 02.30

Live Music:  
Monday to Sunday 12.00 - 00.00  
Non-standard Timings:  
Christmas Eve 12.00 - 02.30

Recorded Music:  
Monday to Sunday 12.00 - 01.00  
Non-standard Timings:  
Christmas Eve 12.00 - 02.30

Performance of Dance - Times as above  
Non-standard Timings:  
Christmas Eve 12.00 - 02.30

Facilities for Making Music:  
Monday to Sunday 19.00 - 01.00  
Non-standard Timings:  
Christmas Eve 12.00 - 02.30

Facilities for Dance - times as above  
Non-standard Timings:  
Christmas Eve 12.00 - 02.30

The applicant is also seeking to remove all embedded restrictions.

## **2.4 Background Information**

The premises is situated on the main road through Skewen, amongst other business premises. The closest neighbours are approximately 40m across the road. There is a beer garden at the rear. Downstairs is the open plan bar area and upstairs is a function room with access to the beer garden.

## **2.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

Full staff training and understanding of all four requirements.

Full management responsibility.

CCTV camera in operation.

### The Prevention of Crime & disorder

Pub watch scheme in operation.

Telephone communication to other pubs.

Posters warning of drunkenness.

No bottles or glasses to be taken outside (except beer garden with plastic glasses).

Proof of age required to all who look under 18 years.

CCTV camera covering most of our area inside pub.

Posters warning about drinks being spiked and leaving drinks unattended.

Posters on drugs.

### Public Safety

Fire exits clearly marked and accessible.

Pushdown bars on fire doors.

Good lighting throughout.

Good ventilation for public.

Plastic glasses to be used in beer garden which is monitored by staff.

Regular checks in beer garden - hourly or as required.

Disability access and egress.

Baby changing facilities in toilets.

Fire alarm behind bar.

Staff awareness of fire drill.

Full maintenance of fire equipment.

### The Prevention of Public Nuisance

Noise level to be kept down at all times.

Curtains will be drawn to avoid any noise.

Posters displayed informing customers to respect our neighbours.

Bottles are emptied into proper containers after 10.00 to reduce noise level.

All rubbish put into paper sealed bags.

Proper lighting outside our premises.

Taxis called for customers to control crowds.

Fire doors and windows to be shut from 23.00 to prevent noise.

### The Protection of Children from Harm

Proof of age required - no proof, no sale.

Age limit on amusement with prizes machines.

Age limit on cigarette machines.

Children to be accompanied by adults.

No gambling or cigarette machines in function room.

## **2.6 Relevant Representations:**

Responsible Authorities Representations

Fire Officer

See representations attached at 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*

#### **7.0 *Public Safety***

7.1 *The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.*

7.2 *Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.*

7.3 *The Council requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and characteristics of the premises and events. Matters which should be considered by the applicant include:*

- *The occupancy capacity of the premises*
- *The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.*

## **2.8 Officer's Report**

The committee is required to determine this application after taking into consideration the need to promote the licensing objectives and also the guidance issued by the Secretary Of State and the Neath Port Talbot Statement of Licensing Policy.

The Fire Officer's representations relate to the absence of a satisfactory fire alarm system at the premises and also the lack of certification and maintenance in respect of the emergency lighting.

He also recommends an occupant capacity in respect of the first floor function room.

It is submitted that the matter relating to the fitting of a fire alarm is likely to only be resolved when this has been installed.

With regard to the remaining matters, these could be dealt with by way of licence conditions. However, the application must be determined by 16<sup>th</sup> August otherwise it is a deemed refusal.

## **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**

Coedffranc Central