

LICENSING (2003 ACT) SUB COMMITTEE

8th September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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1.1 Licence Application for Transitional Premises Licence

Ref.No.: 001953 Wards Pontardawe
Affected:

Premises Name: Pontardawe Inn
Premises Herbert Street, Pontardawe, Swansea, SA8 4ED
Address:

Applicant Name: Celtic Inns Ltd
Applicant Kenneth Pollard House, 5-19 Cowbridge Road East, Cardiff,
Address: CF11 9AQ

DPS Name: Mrs Angela Jane Uren
DPS Address: The Pontardawe Inn, 123 Herbert Street, Pontardawe, Swansea,
SA8 4ED

Application Date: 12/07/2005

1.2 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 sale of alcohol Monday to Saturday 10:00am - 11:00pm
Sunday Noon - 10:30pm
(On and off premises)

Public Entertainment Licence

Hours of operation Monday to Thursday Noon until 11:00pm
Friday and Saturday Noon until 11:30pm
Sunday Noon until 10:30pm

Permitted Numbers Concert Room- 68

The above are subject to the provisions and restrictions of the Licensing Act 1964, and the Local Government (Miscellaneous Provisions) Act 1982 and standard conditions for Public Entertainment Licences.

1.3 Variation Application

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

Supply of Alcohol:

Sunday to Thursday 11:00 24:00

Friday & Saturday 11:00 01:00

Seasonal Variations:

For the period of 5 days in August of each year for the purpose of the

annual music festival only, the hours for consumption on the premises will be 11:00 - 01:30.

Non-standard Timings:

On the Sunday of a bank holiday weekend & between 24th December and 30th December inclusive, these hours are also extended to 01:00 hours.

11:00 New years Eve - 01:00 on 2nd January.

Opening Hours:

Sunday to Thursday 05:00 00:30

Friday & Saturday 05:00 01:30

Seasonal Variations:

For the period of 5 days in August of each year for the purpose of the annual music festival only, the hours the premises are open to the public will be 11:00 - 02:00.

Non-standard Timings:

Closing 30 minutes after the supply of alcohol.

Films:

Monday to Saturday 11:00 23:30

Sunday 11:00 23:00

Non-standard Timings:

On the Sunday of a bank holiday weekend & between 24th December and 30th December inclusive, these hours are also extended to 00:30 hours.

New Years Eve 11:00 02:00

Indoor Sports - times as above

Live Music - times as above

Recorded Music - times as above

Performance of Dance - times as above

Activity like Music/Dance - times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

Late Night Refreshment:

Sunday to Thursday 23:00 00:30

Friday to Saturday 23:00 01:30

Seasonal Variations:

For the period of 5 days in August of each year for the purpose of the annual music festival only, the hours for late night refreshment will be 11:00 - 01:00.

Non-standard Timings:

On the Sunday of a bank holiday weekend & between 24th December and 30th December inclusive, these hours are also extended and shall be the same as the opening hours.

New Years Eve 23:00 - 05:00.

The applicant also seeks to remove the following restrictions: -

- 1) All embedded restrictions in the Licensing Act 1964
- 2) All embedded restrictions in the Children's and Young Persons Act 1933 and the Sporting Events (Control of Alcohol etc) Act 1985
- 3) Conditions 1-6, 9 and 25 of the standard licensing conditions relating to the public entertainment licences, on the grounds that they are no longer relevant.

1.4 Background Information

A public house with two bars one of which is referred to as the concert room and a separate restaurant with large car park and beer garden. Sale of alcohol for consumption both on and off the premises. Consumption of alcohol also takes place in the beer garden (and car park for outside events in the summer). The premises are situated in a village and is bordered by a river on one side and roads to the other three. The nearest residence is approx 200 metres away. There have been no previous complaints from local residents so far as we are aware. The premises cater for all age groups, though the music events attract persons mainly between 20-35. There is an annual Festival which takes place in August and a marquee will be erected in the grounds for this event. Live entertainment is a regular feature at the premises, and there is an existing PEL in force for public music and dancing in the concert room. The premises do provide facilities for sporting events e.g. darts and video entertainment is also provided - (one large screen). Karaoke and discos etc. take place from time to time. The premises provide morning coffee and occasionally early morning breakfasts e.g. when there is a party of people meeting to travel to sporting events. The premises have internal CCTV.

1.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The types of regulated entertainments proposed re-instate the normal pub entertainments that were previously unregulated.

No new steps have been identified in relation to the four licensing objectives, except as below.

I have considered the terms of your local licensing policy in preparing this application

The Prevention of Crime & Disorder:

Providing a 30-minute extension of opening hours after the end of the sales of alcohol will promote this objective as the last drink consumed less quickly and to allow persons to disperse gradually. The DPS or premises licence holder will be a member of pub watch and a representative will attend meetings. All reasonable steps will be taken by staff to ensure that persons entering the premises are not carrying any illegal drug. Regular searches by staff of all areas of the premises will be undertaken during trading hours to ensure that drug use is not taking place on the premises. Any person found in possession of illegal drugs will be asked to leave the premises immediately. All-inclusive nights or other irresponsible drinks promotions will not be permitted.

Music festival: - persons will not be permitted to consume alcohol, which has not been purchased at the event.

Public Safety:

The health and safety and fire legislation are sufficient to meet this objective. No further steps need to be taken to promote this objective (except as shown below). The maximum capacity for the concert room will be 68. The Annual Music Festival: - (1) the standard terms, conditions and restrictions (numbers 1-9) imposed on the temporary PEL granted on 18.4.04 will apply. (2) The DPS will agree the maximum permitted numbers with the Licensing Authority at least 28 days in advance of the first day of the festival. In the absence of adequate daylight, the lighting in any area accessible to the public will be fully operational. The DPS or premises licence holder shall ensure compliance with all fire prevention and other fire safety measures as required by the fire authority. Fire safety signs will be adequately illuminated. During the music festival only toughened or plastic glasses will be used. The DPS or premises licence holder shall ensure compliance with health and safety measures

as required.

The Prevention of Public Nuisance:

Live and recorded music and entertainment will end before the end of hours for the sale of alcohol. Music Festival-see (c) above.

Live and recorded music and/or speech in the garden will not be permitted after 22:30 hours (except during the music festival when music may not be permitted after 23:00 hours).

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

Alcoholic and soft drinks will be served in plastic or toughened glasses (outdoors events).

Door and windows will be kept closed as far as reasonably practicable to reduce the noise impact on neighbouring properties. The DPS or premises licence holder shall ensure that deliveries etc are carried out between 0700 and 1900. reasonable steps will be taken to ensure that flashing or bright lights on or outside the premises will not cause a nuisance to nearby properties.

The Protection of Children from Harm:

Proof of age will be required - only photographic identification will be acceptable. If children are allowed on the premises, a "no smoking" area will be provided. Children under the age of 18 must be accompanied by a responsible adult. Notices will be displayed inside the premises identifying the areas where children are permitted to be. During the music festival, all reasonable steps will be taken to prevent persons under 18 from purchasing or consuming alcohol at the event.

1.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1

Environmental Health

See Appendix 2

Interested Parties Representations

No representation

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 *(i) Door Supervisors*

The need for door supervisors is normally a matter, which is considered and determined by the applicant within the operating schedule. However, where an applicant has made no provision for providing door supervisors, but it is considered that they are essential to meet the crime and disorder or public safety objective the council may specify that the premises must provide registered door supervisors. The council may also require a duty log / register of door supervisors be kept for the premises. Where door supervisors are provided they must be licensed by the Security Industry Authority. Generally one door supervisor per 100 persons would be required to be present on the premises. However, additional supervisors may be necessary in certain situation, e.g. where there is a significant number of very young persons, or where there is a potential for boisterous or excitable behaviour, e.g. stag nights; football matches; celebrity visits. Applicants are advised to give consideration to these matters within the operating schedule as well as the days and hours of operation of the door supervisors.

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

Police representations are made in respect of the hours of operation and its possible effect on crime and disorder.

Conditions relating to door supervisors, occupant capacity, CCTV and restrictions necessary to minimise nuisance are proposed for any licence approved.

The Environmental Health Officer along with the police refer to special consideration in respect of events held as part of the Pontardawe Festival, It is submitted that general opening hours and conditions be considered separately from those requested for the festival. However the attachment of any restrictions or conditions should be relevant and appropriate after consideration of all representations.

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

Wards Affected: -

Pontardawe

2.1 Licence Application for Transitional Premises Licence

Ref.No.: 001987 Wards Glynneath
Affected:

Premises Name: Oddfellows Arms
Premises Oddfellows Hotel, High Street, Glynneath, Neath, West
Address: Glamorgan, SA11
Applicant Name: Ms Marilyn Davies
Applicant Oddfellows Hotel, High Street, Glynneath, Neath, SA11 5AW
Address:
DPS Name: Miss Raegan Elise Weaver
DPS Address: 25 Ynyslas Crescent, Glynneath, Neath, SA11 5LB
Application 15/07/2005
Date:

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 licensing conditions are presently:-

The Sale of Alcohol	Monday - Saturday	10:00am - 11:00pm
	Sunday	Noon - 10:30pm
	(on and off premises)	

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 07:00 04:00

Opening Hours:
Monday to Sunday 06:30 04:30

Films:
Monday to Sunday 07:00 04:00

Indoor Sports:
times as above

Live Music:
Monday to Sunday 12:00 00:00

Recorded Music:
times as above

Activity like Music/Dance :
times as above

Facilities for Making Music :
times as above

Late Night Refreshment:
Monday to Sunday 23:00 04:00

The applicant is seeking to remove all embedded restrictions inherent in the Licensing Act 1964, The Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

2.4 Background Information

Public House with trade areas to serve drinks and food, bar, lounge, with toilets to ground floor, situated in a residential area, with main road to front of premises. Kitchen also on ground floor, with pool, darts and AWP gaming machines.

2.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The types of regulated entertainment proposed, re-instate and then enhance the normal pub entertainment that were previously unregulated, with the benefit to enhance the local facilities for social entertainment and reduce the focus on alcohol.

The Prevention of Crime & Disorder:

Providing a 30 minute extension of opening hours after the end of the sale of alcohol will promote this objective, as the last drink will be consumed less quickly, with access to the pub toilet, facilities.

Not less than 5 working days written notice will be provided to Police when "Event Days" are planned.

Public Safety:

Any party bookings will be limited to stop any risk of over crowding, on event days.

Control on doors to stop any over crowding.

Use of plastic glasses in garden areas.

We also have a drugs policy, and do not hold happy hours, which would

cause binge drinking.

The Prevention of Public Nuisance:

Live music will end at 24:00 hours.

Recorded music will end at 24:00 hours.

All windows will be kept closed after 22:00 hours.

Bottle bins will be emptied on morning shifts only.

The Protection of children from Harm:

The restrictions set out in the Licensing Act 2003 will apply.

No unusual risks of harm to children have been identified.

No alcohol to under 18's and a area set aside for non smoking.

2.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 3.

Environmental Health

See Appendix 4.

Interested Parties Representations

Interested Parties Representations

See Appendix 5.

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 *(i) Door Supervisors*

The need for door supervisors is normally a matter, which is

considered and determined by the applicant within the operating schedule. However, where an applicant has made no provision for providing door supervisors, but it is considered that they are essential to meet the crime and disorder or public safety objective the council may specify that the premises must provide registered door supervisors. The council may also require a duty log / register of door supervisors be kept for the premises. Where door supervisors are provided they must be licensed by the Security Industry Authority. Generally one door supervisor per 100 persons would be required to be present on the premises. However, additional supervisors may be necessary in certain situation, e.g. where there is a significant number of very young persons, or where there is a potential for boisterous or excitable behaviour, e.g. stag nights; football matches; celebrity visits. Applicants are advised to give consideration to these matters within the operating schedule as well as the days and hours of operation of the door supervisors.

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.*

10.0 Licensing Hours

10.4 *The Council does not intend to introduce any form of zoning within the borough. Experience in other areas has shown that this can give rise to significant movements of people across boundaries seeking premises open later, and therefore could be counter productive to measures designed to support the licensing objectives. However, an important consideration is the number and proximity of residential properties and the council will require stricter noise control measures for premises in predominantly residential areas. It may also impose restrictions on licensing hours where it considers it necessary to avoid nuisance to residents.*

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 representations refer to crime and disorder and in particular the likely effect on residents due to the extended hours sought.

Various conditions are sought in respect of promoting the crime and disorder objective public safety and prevention of nuisance.

The environmental health officer proposes restrictions on hours of operation and provision of music in view of the premises location.

Residents have also submitted a petition.

Members will need to consider whether the hours sought are appropriate for the area and what conditions would be appropriate if they are satisfied that these would be effective.

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

Glynneath

3.1 Application for Transitional Club Premises Certificate

Ref.No.: 001983 Wards Neath North
Affected:
Premises Name: Neath Constitutional Club Ltd
Premises Address: Constitutional Club Ltd, Orchard Street, Neath, SA11 1DT
Applicant Name: Mr Alun Morse
Applicant Address: c/o Neath Constitutional Club, 11 Orchard Street, Neath, SA11 1DT
Application Date: 15/07/2005

3.2 Conversion Application

The premises have operated as a registered club for many years and are entitled to a club 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 Saturday 10:00am - 11:00pm
Sunday Noon - 10:30pm
(On and off premises)

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

3.3 Variation Application

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

Live Music:
Monday to Sunday 08:00 01:00

Recorded Music:
times as above

Performance of Dance:
times as above

Activity like Music/Dance:
times as above

Facilities for Making Music:
times as above

Facilities for Dance:
times as above

Facility like Music/Dance:
times as above

Late Night Refreshment:
Monday to Sunday 23:00 01:00

3.4 Background Information

A three story building with cellar traditionally built of stone/brick construction composes of ground floor, lounge bar with dinning area, dinning room and boiler - toilet facilities for ladies and gents disabled access to ground floor. First Floor Function room, snooker room etc. Office and toilets storage rooms only, on 2nd floor. Emergency egress from all floors.

3.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

CCTV Surveillance with lighting to the main entrance monitors arrival and departures of club management and bar staff are aware of the provisions of the licensing Act 2003 objectives and statutory requirements to comply with the relevant provisions of the act.

The Prevention of Crime & Disorder:

Club constitution and rules governing the conduct of members and their guests within and adjacent to the club premises. Admission to the club is confined to members and bone fide guests and controlled through an electronic door entry system. Guests arriving unaccompanied are scrutinised by CCTV and must sign the visitors book club employers are instructed not to serve members or guests who behave in a drunk or disorderly manner misconduct will be dealt with under the disciplinary code.

Public Safety:

The club subscribe to the health and safety regulations and requisitions. Following an assessment preventative and contrive measure are in place to ensure that safety of members guests employees and entertainers while on the premises. The club complies with advised capacity limits fire action notices are posted. Emergency

escape routes are signposted.

The Prevention of Public Nuisance:

Signage is displayed near exits requesting members and guests in respect of the needs of local residents by quietly leaving the club and car park.

When Live or reordered music is played steps are taken to avoid disturbances to neighbouring properties.

The Protection of Children from Harm:

Persons under the age of 18 are only allowed in the club accompanied. Any children and grandchildren attending a club junior disco in the function room the bar will remain closed. During the discos door control ensures children seeking admission to the club must be accompanied by an adult member, young adults applying to the club for admission must satisfy the committee they are over 18 years. Accompanied children or grandchildren and their guests may attend a private party, committee and staff are instructed in the offence provisions of the Licensing Act 2003 regulating to save of alcohol and protection of minors.

3.6 Relevant Representations:

Responsible Authorities Representations

Police See Appendix 6

Interested Parties Representations

No representations

3.7 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 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 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.*

3.8 Officer's Report

The representations relate exclusively to the prevention of public nuisance.

Relevant conditions can be attached to any certificate issued when the committee are satisfied that they are appropriate and necessary.

3.9 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: -

Neath North