

**LICENSING AND GAMBLING ACTS
SUB COMMITTEE
(LICENSING ACT 2003 HEARING)
(SPECIAL)**

(Civic Centre, Neath)

Members Present:

9th February, 2010

Chairman: Councillor A.P.H.Davies

Councillors: D.K.Davies and L.W.Willis

Officers in Attendance: J.Sullivan and N.Chapple (Licensing Section);
I.Davies (Legal Department) and
Mrs T.Davies (Committee Section).

**Representatives of
the Police Authority:** P.C. J.Williams

**Representing
Kitty O'Sheas:** P.Rees and Mrs. E.Rees (Designated Premises Supervisor)

Interested Parties: Councillor L.Purcell (Ward Member) and Mrs. S.Roberts

Invited Member: Councillor T.Wyn-Jones

Report of the Head of Legal and Democratic Services

1. **LICENSING ACT 2003 – LICENSING ACT 2003 (HEARINGS)
REGULATION 2005 – APPLICATION FOR A VARIATION OF
PREMISES LICENCE – KITTY O'SHEAS, 6 JAMES STREET,
PONTARDAWE**

The Sub Committee was asked to consider an application for a Premises Licence for the above mentioned premises.

At the start of the meeting the Licensing Officer circulated street plans, premises layout plans and an aerial view of the premises to all present at the meeting, allowing sufficient time for Members to read.

The Licensing Officer proceeded to update the Sub Committee on the background of the report, and explained that since the production of the circulated report the Licence holders had amended the variations as follows:

Opening hours of the premises:

Monday – Thursday: 11.00 – 00.30
Friday and Saturday: 11.00 – 02.00
Sunday: 11.00 – 12.15 (same as current licence)

Xmas Eve and Boxing Day: 20.00 – 02.30
Sunday of Bank holidays: 20.00 – 02.30

Supply of Alcohol:

Monday – Thursday: 11.00 – 00.00
Friday and Saturday: 11.00 – 02.00
Sunday: 11.00 – 12.00 (same as current licence)

Xmas Eve and Boxing Day: 20.00 – 02.00
Sunday of Bank holidays: 20.00 – 02.00

Live music: Indoors

Monday – Thursday: 20.00 – 00.00
Friday and Saturday: 20.00 – 01.00
Sunday: 20.00 – 00.00

Xmas Eve and Boxing Day: 20.00 – 02.00

Recorded music: Indoors

Monday – Thursday: 20.00 – 00.00
Friday and Saturday: 20.00 – 01.00
Sunday: 20.00 – 00.00

Xmas Eve and Boxing Day: 20.00 – 02.00

Provision of facilities for making music: Indoors

Monday – Thursday: 20.00 – 00.00

Friday and Saturday: 20.00 – 01.00

Sunday: 20.00 – 00.00

Xmas Eve and Boxing Day: 20.00 – 02.00

The applicant also requested to remove the following Conditions from the Licence:-

- No Entry/Re entry after 23.30 hours
- Beer garden and any other outside area shall not be used after 22.00 hours or at anytime when regulated entertainment is provided.

Representations were made by the Environmental Health Section indicating that the following Condition be included on any license issued, “Entertainment noise shall be inaudible inside any noise sensitive property.” The Applicant had agreed to this Condition and as a result the Environmental Health Section had withdrawn its representations.

Representations were also made by the South Wales Police Authority and were detailed in Appendix 1 of the circulated report.

The Applicant indicated that certain soundproofing measures had recently been undertaken within the premises; that extra CCTV cameras had been installed; that a ‘noise limiter’ had been fitted to the sound equipment and that polycarbonate glasses were already in use at the premises.

The Applicant also addressed Members with regards to the Police Authority’s request that two door staff be employed on Fridays and Saturdays. The Applicant explained that the level of trade on Friday nights would not justify the cost of employing door staff.

Mrs. S.Roberts (an interested party) explained her objections to Members regarding the noise from the beer garden and her concerns relating to extended opening hours of the premises.

After listening to all parties concerned, the Sub Committee adjourned to make its decision.

- RESOLVED:** that the above application for variations to the premises Licence be approved, subject to the following Conditions:
- (a) that the current Condition on the premises Licence which reads “No Entry/Re entry after 23.30 hours” be retained;
 - (b) that an amendment be made to the current Condition on the premises Licence which shall now read “Beer garden and any other outside area shall not be used after 23.30 hours or at anytime when regulated entertainment is provided”;
 - (c) that two door staff be employed on Saturday nights;
 - (d) that the remaining Conditions requested by the South Wales Police Authority contained in Appendix 1 of the circulated report be attached to the Licence.

CHAIRMAN