

**LICENSING (2003 ACT) SUB COMMITTEE**

**9th 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 with variation**

Ref.No.: 002044 Wards Pontardawe  
Affected:

Premises Name: Ynysmeudwy Arms  
Premises Address: 168 Ynysmeudwy Road, Pontardawe, Swansea, SA8 4QJ

Applicant Name: Mr Anthony Richards  
Applicant Address: Ynysmeudwy Arms, 168 Ynysmeudwy Road, Pontardawe, Swansea, SA8 4QJ

DPS Name: Mr Anthony Richards  
DPS Address: Ynysmeudwy Arms, 168 Ynysmeudwy Road, Pontardawe, Swansea, SA8 4QJ

Application Date:

## **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 relevant licensable activities 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.

## **1.2. Variation Application**

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

Supply of Alcohol:  
Monday to Sunday 10.00 – 01.00

### Non-standard Timings:

For New Year's Eve the club may provide this facility until the start of permitted hours on New Year's Day, in line with the current de-regulation.

On Maundy Thursday and Good Friday indoor sporting events will be permitted until 01.00am the following morning as per normal Thursday's and Friday's.

For Christmas Day this activity will be permitted from 10.00am to 01.00am the following day.

Opening Hours:

Monday – Sunday 10.00 - 01.30

Non-standard Timings:

For New Year's Eve the club may provide this facility until the start of permitted hours on New Year's Day, in line with the current de-regulation.

On Maundy Thursday and Good Friday indoor sporting events will be permitted until 01.00am the following morning as per normal Thursday's and Friday's.

For Christmas Day this activity will be permitted from 10.00am to 01.00am the following day.

Indoor Sporting Events:

Monday - Sunday 10.00 - 01.00

Non-standard Timings:

As above

Live Music:

Monday - Sunday 10.00 - 23.30

Non-standard Timings:

As above

Recorded Music:

Times as above.

Non-standard Timings:

As above

Facilities for Dancing:

Times as above.

Non-standard Timings:

As above

Facility like Music/Dance:

Monday - Sunday 10.00 - 01.00

Non-standard Timings:

As above

Late Night Refreshment:

Times as above.

Non-standard Timings:

As above

**1.4. Background Information**

Premises is a two storey building, the licensed area being to the ground floor, comprising of one main room. Premises has a large outside drinking area.

**1.5. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives

Any person whose behaviour falls below the expected standard will be reported to the Management with the intention of dealing appropriately with that person and maintaining standards.

All staff will be trained as to their responsibilities under the Licensing Act, especially regarding under age sale, and sales to intoxicated persons.

Irresponsible sales promotions such as "two-for-one" or "pay for entry all you can drink for free" will not be undertaken.

The premises will be open to the public for 30 minutes after the last sale of alcohol, to allow a period for what is now referred to as "drinking up" time.

Beyond the time when alcohol sales are permitted, no person will be allowed to remove alcohol from the premises, and off-licence sales will not be permitted.

The Prevention of Crime & Disorder

Areas of the premises are supervised by bar staff from the servery areas and by members of the management themselves.

The premises has a discipline policy, and any customer whose behaviour falls below the required level may be suspended or excluded from the premises.

Any illegal activity will be reported to the Police and the fullest of co-operation will be given by Management and staff.

To ensure gaming machines are in such a position that they can be

supervised by staff.

All staff will request a proof of age identification from any person who appears to be under the age of eighteen years who attempts to buy or consume intoxicants.

There will be a regular collection of glasses and bottles.

The right to search a customer will be a condition of entry to the premises.

### Public Safety

The premises will comply with the requirements of the Fire Authority at any given time, in respect of procedure and equipment.

All safety equipment will be regularly tested, and a log kep of such tests for inspection.

Patrons of the premises are mainly of an older age group.

The premises will have fire safety equipment as per the requirements of the Fire Authority, and all Fire exits will be properly maintained, free form obstruction and marked in accordance with current best practice.

A regular risk assessment will be undertaken in respect of safety issues, and all staff will be instructed on safety and evacuation procedures in the event of an incident.

In the event of an incident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

All fire and safety systems will be regularly tested, and a record of those tests will be kept on the premises for inspection.

### The Prevention of Public Nuisance

During the time of any musical entertainment, doors and windows will be kept closed to minimise noise pollution.

Customers will be reminded to be respectful of neighbours whilst leaving the premises, particularly late at night.

"Bottling Up" and waste disposal will not be carried out at the close of business, but the following day.

Any person whose behaviour is below the required standard will be requested to leave, if necessary with the assistance of the Police.

It will not be permitted to remove glass vessels from the premises, nor to remove alcohol from the premises beyond the time when alcohol is permitted to be sold. Any off sales will be in closed vessels.

#### The Protection of Children from Harm

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible adult. A range of non-alcoholic drinks will be available for any young persons in the premises.

Proof of age will be required from any person who appears to be under the age of 21 years who purchases or consumes alcohol on the premises. Proof of age will be by photographic drivers licence, passport or other official photographic I.D.

Children will not be permitted in the premises beyond 10pm on any day.

### **1.6. Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 1.

##### Environmental Health

See Appendix 2.

#### **Interested Parties Representations**

No representations.

### **1.7. Policy Considerations**

It is considered that the following policies are 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.*

**6.9** *The Council considers that certain types of premises are likely to require additional measures or conditions due to the nature, type and mode of operation. These would include premises, which sell alcohol and cater mainly for the 16-25 age group and provide regulated entertainment, or premises which provide events or entertainment mainly for children.*

*In order to ensure the safety of patrons and other persons in the vicinity of the premises, the council suggests that operating schedules give consideration to the following measures and may require any or all of these measures to be implemented in the interests of minimising crime and disorder.*

*(ii) CCTV*

*The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The council may specify that a suitable system approved by the police and council, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV tapes should be kept for twenty-eight days and made available to the police and local authority officers at any time.*

*(iii) Glasses/Bottles*

*Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.*

**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 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**

The police express concern with regard to the operating hours due to the perceived impact on crime and disorder and public nuisance. Conditions relating to the provision of CCTV, restrictions on the use of the external area and measures to prevent noise nuisance are proposed for any licence approved by the committee. The environmental health officer proposes restriction of hours on the playing of music in order to prevent nuisance arising. Consideration should be given to implementing appropriate restrictions/conditions based on the representations received.

## **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](mailto:j.sullivan@npt.gov.uk)

**Wards Affected**  
Pontardawe

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

Ref.No.: 002036 Wards Pontardawe  
Affected:

Premises Name: Castle Hotel  
Premises Address: Castle Hotel, High Street, Pontardawe, Swansea, SA8 4HU

Applicant Name: Punch Taverns Plc  
Applicant Address: Jubilee House, Second Avenue, Burton Upon Trent, Staffs, DE14 2WF

DPS Name: Shellie Emma Wells  
DPS Address: Castle Hotel, High Street, Pontardawe, Swansea, SA8 4HU

Application Date: 18/07/2005

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

Public Entertainment Licence	Thursday - Saturday	Noon - 11:00pm
	Sunday	Noon - 10:30pm

Permitted Numbers Lounge Bar - 100

Conditions All windows and doors to be kept closed whilst entertainment is provided.

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

## **2.3. Variation Application**

Supply of Alcohol:  
Monday - Sunday 10.00 - 01.00

### Non-standard Timings:

A further additional hour into the morning following every Friday,

Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Opening Hours - Standard Timings:

Monday - Sunday 10.00 - 01.30

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Live Music:

Monday - Sunday 12.00 - 00.00

Non-standard Timings:

An extra hour New Years Eve until 01.00.

Recorded Music:

Monday - Sunday 10.00 - 01.00

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Facilities for Dancing:  
Monday - Sunday 12.00 - 00.00  
Non-standard Timings:  
An extra hour New Years Eve until 01.00.

Facility like Music/Dance:  
Times as above.

The applicant also seeks the removal of the following restrictions:-  
The condition of the Supper Hours Certificate obliging alcohol to be ancillary to table meals.

#### **2.4. Background Information**

Public House situated on High Street in Pontardawe. Externally the pub does not have its own car park however there is a Local Authority one to the rear of the premises. There is a small beer garden to the side & the pub is lit externally at night. Internally the pub is open plan with a single bar servery, mechanical extraction is provided in the trade area. There is a catering kitchen located in the basement which is equipped with an extract system. There are ladies and gents toilets. There is one AWP, and one cigarette machine both of which are in plain view of the bar there is also a pool table. Fire fighting equipment is installed and serviced annually. Emergency lighting is installed and operational. Emergency exits are indicated via illuminated signage. A burglar alarm is installed.

#### **2.5. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

##### General - all four licensing objectives

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute "drinking up" time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machine, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

### The Prevention of Crime & Disorder

Illumination is provided to the exterior areas of the pub.

All interior trading areas are visible to staff from behind the bar servery.

Burglar alarm system in place, alarmed doors and windows / secure windows.

The licensees / staff monitor customer behaviour especially during busy periods.

Toilets access is clearly visible from the bar.

We operate a zero tolerance towards drugs and the users of drugs.

### Public Safety

The pub is equipped with emergency lighting and illuminated exit signs.

All fire fighting equipment is serviced annually.

There are current electric and gas certificates in place.

Mechanical extraction is provided in each bar.

The pub promotes a licensed taxi service to facilitate its customers making onward journeys.

Accident/incident book on site for staff and public.

All portable electrical appliances are tested annually.

Staff are aware of the needs of disabled customers and are aware.

### The Prevention of Public Nuisance

When required, staff organise taxis to transport customers home and customers are seen off the premises and encouraged to disperse at closing.

The fact that this public house is a detached property assists in minimising noise transfer to neighbours.

The pub has a lobbied entrance which reduces noise emission.

### The Protection of Children from Harm

There is 1 AWP located in plain view of the bar.

There is 1 cigarette machine located in plain view of the bar.

Children must be accompanied by an adult.

Children are restricted to a specific area of the pub.

Children must vacate the premises by 19:00 hours.

Nudity or partial nudity are not permitted at any time.

## **2.6. Relevant Representations:**

### **Responsible Authorities Representations**

Police

See Appendix 3.

### **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

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 *The Council considers that certain types of premises are likely to require additional measures or conditions due to the nature, type and mode of operation. These would include premises, which sell*

*alcohol and cater mainly for the 16-25 age group and provide regulated entertainment, or premises which provide events or entertainment mainly for children.*

*In order to ensure the safety of patrons and other persons in the vicinity of the premises, the council suggests that operating schedules give consideration to the following measures and may require any or all of these measures to be implemented in the interests of minimising crime and disorder.*

*(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.*

*(ii) CCTV*

*The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The council may specify that a suitable system approved by the police and council, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV tapes should be kept for twenty-eight days and made available to the police and local authority officers at any time.*

*(iii) Glasses/Bottles*

*Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is*



*provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.*

## **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.*

## **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.*

### Secretary of State's Guidance

#### **Crime & Disorder**

- 7.27 *Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence where such activity is likely to occur, by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass). A condition must also be capable of being met, for example, while beer glasses may be available in toughened glass, wine glasses may not. Conditions of this kind therefore need careful consideration to ensure that they are not only necessary but both practical and achievable. Similarly, although most commonly made a condition of a licence on public safety grounds, consideration can also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.*

#### **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**

Representations from the police refer to the crime & disorder and public nuisance objectives. The hours of operation are questioned due to the proximity of residential properties and also the potential for crime and disorder.

Conditions relating to restrictions of hours, CCTV, door supervisors, occupant capacity and noise measures are proposed in respect of this application.

Appropriate conditions / restrictions of hours can be considered by members following all representations being heard.

## **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](mailto:j.sullivan@npt.gov.uk)

### **Wards Affected**

Pontardawe

### **3.1. Licence Application for Transitional Premises Licence With Variation**

Ref.No.: 002039 Wards Alltwen  
Affected:  
Premises Name: Butchers Arms  
Premises Address: Alltwen Hill, Pontardawe, Swansea, SA8 3AB  
Applicant Name: Mr Phillip George Radford  
Applicant Address: Woodlands, Caemaen, Bryncoch, Neath, SA10 7YN  
DPS Name: Mr Phillip George Radford  
DPS Address: Woodlands, Caemaen, Bryncoch, Neath, SA10 7YN  
Application Date: 18/07/2005

### **3.2. 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 licensable activities are as follows: -

The sale of alcohol	Monday to Saturday	10:00am - 11:00pm
	Sunday	Noon - 10:30pm

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: -

Supply of Alcohol:

Monday to Thursday	10.00 - 00.00
Friday to Saturday	10.00 - 01.00
Sunday	10.00 - 00.00

Opening Hours:

Monday to Thursday	10.00 - 00.30
Friday to Saturday	10.00 - 01.30
Sunday	10.00 - 00.30

Non-standard Timings:

For New Years Eve premises will be open until the normal opening hours on New Years Day in line with the current de-regulation.

For Good Friday in line with all other Fridays until 01.30hrs

Live Music:

Monday to Sunday 10.00 - 23.00

Non-standard Timings:

For New Years Eve recorded music may be provided until 1.00am

For Good Friday in line with all other Fridays until 23.00 in the front bar

Recorded Music - times as above

Non-standard Timings:

For New Years Eve recorded music may be provided until 1.00am

For Good Friday in line with all other Fridays until 23.00 in the front bar

Activity like Music/Dance:

Monday to Thursday 10.00 - 00.00

Friday to Saturday 10.00 - 01.00

Sunday 10.00 - 00.00

Non-standard Timings:

For New Years Eve background music may be provided until 1.00am

For Good Friday in line with all other Fridays until 23.00 in the front bar

Late Night Refreshment:

Monday to Thursday 10.00 - 00.00

Friday to Saturday 10.00 - 01.00

Sunday 10.00 - 00.00

Non-standard Timings:

For New Years Eve background music may be provided until 1.00am

For Good Friday in line with all other Fridays until 23.00 in the front bar

### **3.4. Background Information**

Premises is a family run public house, comprising a detached building split into two main areas, the front bar and lounge and a dining room to the rear.

To the outside of the premises is a small decking area on which are placed several tables and chairs.

### **3.5. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

#### The Prevention of Crime & Disorder

The premises can be well supervised by staff located at each of the servery areas. The premises is an active member of the Pontardawe Pubwatch Scheme. Any customer at the premises may be subject to a search as a condition of entry to the premises.

Any illegal activity or seizures made as a result of a search, will be reported to the Police. Any evidence of such activity will be made available to the police. The use of illicit substances will not be tolerated and staff are instructed accordingly.

#### Public Safety

The capacity for the premises will be 150 persons, who are mainly of an older age group. The premises will have fire safety equipment as per the requirements of the Fire Authority and all Fire Exits will be properly maintained free from obstruction and marked accordance with current best practice.

A regular risk assessment will be undertaken in respect of safety issues, and all staff will be instructed on safety and evacuation procedures in the event of an incident. In the event of an incident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

All fire and safety systems will be regularly tested, and a record of those tests will be kept on the premises for inspection. Regular glass collection at outside areas will be undertaken to remove items causing litter and a potential safety risk.

During times when the outside tables and chairs are in use these will be regularly visited by staff to ensure adequate supervision.

#### The Prevention of Public Nuisance

During the time when live music is provided and all doors and windows will remain closed in order to reduce the amount of sound from the premises.

The premises will not encourage high volume drinking, the density of persons permitted in the premises is far less than that which would be

expected for a "high density vertical drinking" environment.

Live music will only be provided in the front bar. The area of tables to the outside of the premises will be vacated by customers at 22.30 as instructed by staff, to reduce annoyance to residents. This area will be regularly supervised by staff to ensure behaviour standards are met and to minimise the risk of any annoyance. Signage will be placed at the exits requesting noise levels be minimised by customers leaving the premises and that respect is given to residents in the area. "Bottling up" and disposal of refuse will not be undertaken at the close of business to reduce nuisance.

In the event of any disorder, persons will be required to leave the premises, if necessary with the assistance of the Police, and other premises in the area will be informed of the details immediately so that appropriate preventative steps can be taken. Customers will not be permitted to remove any form of drinking vessel from the area of the licensed premises. Any off-licence sales will be made in closed vessels.

#### The Protection of Children from Harm

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible, adult. The premises is a predominantly food orientated environment. A range of non-alcoholic drinks will be available for any young persons in the premises.

Proof of Age will be required from any person who appears to be under the age of 21 years and who attempts to purchase or consume alcohol. Proof of age will be by photographic drivers licence passport or other official photographic I.D. Children will not be permitted in the premises beyond 10 p.m. on any day, and beyond midnight when an area of the premises is being used for a private function.

#### General - all four licensing objectives

The premises is an active member of the Pontardawe Pubwatch Scheme, and abides by the rules and decisions of the scheme. Any person whose behaviour falls below expected standard will be reported to the Pubwatch with the intention of excluding that person from all premises in the scheme. All staff will be trained as to the standards required by the Designated Premises Supervisor, and there are two other Personal Licence Holders suitably qualified, being the holders of the B11 Certificate. All staff will be trained as to their responsibilities under the Licensing Act, especially regarding under

age sale, and sales intoxicated persons. Irresponsible sales promotions such as "two-for-one" or "pay for entry all you can drink for free" will not be undertaken.

The premises will be open to the public for 30 minutes after the last sale of alcohol, to allow a period for what is now referred to as "drinking up" time.

Beyond the time when alcohol sales are permitted, no person will be allowed to remove alcohol from the premises, and off-licence sales will not be permitted.

### **3.6. Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 4.

##### Environmental Health

See Appendix 5.

#### **Interested Parties Representations**

No representations

### **3.7. Policy Considerations**

It is considered that the following policies are relevant to this application:

#### **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.*



## **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

### **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.*

### **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 of the police express concern that the opening hours applied for will have a negative effect on the crime and disorder and nuisance objectives.

Conditions are also recommended should any licence be approved, which refer to a capacity for the premises, restriction on the use of outdoor areas and noise prevention.

The E.H.O recommends that live music should not be permitted until an acoustic report has been obtained.

The location of the premises in a residential area may give rise to problems but members should determine the application based on the representations presented at the meeting.

### **3.9. Recommendation**

That members determine the application after taking into account the representation 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