

LICENSING & GAMBLING ACTS SUB COMMITTEE

9TH SEPTEMBER 2008

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES
– D.MICHAEL**

INDEX OF REPORT ITEMS

PART 1–Doc.Code: LICAS-090908-REP-FS-DM

SECTION A – MATTERS FOR DECISION			
Report Item		Page Nos	Wards Affected
1.0 Application to Vary Premises Licence			
Reference Number	008322	2-15	Resolven
Name Address	The Vaughan Arms Commercial Road Resolven Neath SA11 4NA		

1.1 Application for Variation of Premises Licence

Ref.No.:	008322	Wards Affected:	Resolven
Premises Name:	The Vaughan Arms		
Premises Address:	Commercial Road, Resolven, SA11 4NA		
Applicant Name:	Denise Marianne Jones-Rees		
Applicant Address:	2, Parc Pencynor, Cilfrew		
DPS Name:	Denise Marianne Jones-Rees		
DPS Address:	2, Parc Pencynor, Cilfrew		
Application Date:	21/7/08		

1.2 Current Licence

Supply of Alcohol:

Monday - Saturday 10:00 23:00
Sunday 12:00 22:30

Good Friday 12:00 22:30
Christmas Day 12:00 15:00
 19:30 22:30

The Opening Hours of the Premises

Monday - Saturday 10:00 23:20
Sunday 12:00 22:50

Good Friday 12:00 22:50
Christmas Day 12:00 15:20
 19:30 22:50

1.3 Variation Application

Live Music: Indoors

Monday to Sunday 10.00 – 00.00

Recorded Music: Indoors

Monday to Sunday 10.00 – 00.00

Supply of Alcohol

Monday to Sunday 10.00 – 00.00

Opening hours of the premises

Monday to Sunday 10.00 – 00.30

On New Years Eve to provide the above activities from the end of permitted hours until the start of permitted hours the following day.

The application also requests that the above activities are permitted one hour before and one hour after the transmission of any recognised sporting event.

1.4 Background Information

The Vaughan Arms has been licensed for the sale of alcohol for many years. In November 2005 they converted their licence into a premises licence under the Licensing Act 2003 without changing their mode of operation or opening hours. For these reasons the premises is not currently permitted to authorise any regulated entertainment.

1.5 Promotion of Licensing Objectives

General – all four licensing objectives

Premises supervisor and management structure.

Trained Staff

Small community – premises supervisor knows all customers

The Prevention of Crime and Disorder

Good staffing levels

Staff trained and aware of drugs, i.d etc.

Public Safety

Free water available

incident book & accident book

The Prevention of Public Nuisance

Trained staff

The Protection of Children from Harm

Trained staff

1.6 Relevant Representations

Responsible Authorities

PC Gareth Jones – South Wales Police

Mr Tony John - Environmental Health Officer, Neath Port Talbot CBC

The Police representation is reproduced at appendix 1. The Police representation in the main relates to the likelihood of there being an increase in public nuisance, particularly from music being played after 2300 hours or when the premises remains open for the transmission of recognised sporting events.

The Environmental Health Officer's representation is reproduced at appendix 2. The Environmental Health Officer recommends that a condition be attached to the licence that "entertainment noise shall be inaudible inside any noise sensitive property."

Interested Parties

Mr Neville Thomas, 4 Ardwyn Terrace, Resolven, Neath, SA11 4LY
Mrs Marcia Watkins, 29 Commercial Road, Resolven, Neath, SA11 4NA
Mr & Mrs D. Davies, 1 Ardwyn Terrace, Resolven, Neath, SA11 4LY
Resolven Community Council

The above representations are reproduced at appendix 3. In the main the representations relate to the likelihood of an increase in public nuisance. All the interested parties state that they are already experiencing public nuisance.

1.7 Policy Considerations

Licensing Policy

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

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

Secretary Of States Guidance

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

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

1.8 Officer Report

After negotiations with the Police, the applicant has made amendments to the application and consequently the Police objection has been withdrawn. The amended application is listed below.

Live Music: Indoors

Monday to Sunday 10.00 – 23.00

Recorded Music: Indoors

Monday to Sunday 10.00 – 23.00

Supply of Alcohol

Monday to Sunday 10.00 – 00.00

Opening hours of the premises

Monday to Sunday 10.00 – 00.30

On New Years Eve to provide the above activities from the end of permitted hours until the start of permitted hours the following day.

The request for the premises to be open for the transmission of recognised sporting events, is withdrawn

1.9 Recommendation

That members determine the application after hearing all submissions

List of Background Papers

Application for Variation of Premises Licence.

Officer Contact

J Sullivan Licensing Manager

Tel (01639) 763056 email j.sullivan@npt.gov.uk

Wards Affected

Resolven

South Wales Police  **Heddlu De Cymru**

Port Talbot Police Station,
Station Road,
Port Talbot,
"G" BCU.

Monday 28th July 2008.

Mr J M Sullivan,
Principal Licensing Officer,
Neath Port Talbot Council.
Civic Centre,
Port Talbot.

Sir,

**Police Objections to vary a premises licence under
Section 34 of the Licensing Act 2003.**

I am in receipt of an application to vary a premises licence under Section 34 of the
Licensing Act 2003 at the below-referred licensed premises:

Name: Vaughan Arms
Address: Commercial Road,
Resolven,
Neath
SA11 4NA

- Premises Licence No 002300

Cont'd.

Appendix 1

As you are aware Mrs Denise Marianne JONES-REES of 2, Parc Penseynor, Cilfrew, Neath the Premises Licence Holder and Designated Premises Supervisor (DPS) for the Vaughan Arms, Commercial Road, Resolven, Neath has submitted the above-referred application to vary the premises licence to 10:00 – 00:00 hours Monday – Sunday for the following licensable activities:

1. The performance of live amplified music – regulated entertainment.
2. The performance of recorded amplified music.
3. The supply of alcohol on the premises.
4. One hour before, during and one hour after transmission of any recognised sporting event which falls outside permitted hours”.
5. Several references to “Usual Extensions”.

The Police respectfully suggest that in granting the applicant permission to play amplified live and recorded music referred to in 1 & 2 above at the premises in its current position / design after 23:00 hours between Monday and Sunday would not promote the licensing objectives

namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

As it is respectfully pointed out the premises would have to be sound proofed and exterior doors and windows would have to be kept closed whilst the amplified music is being performed or played.

Cont'd

In the recent Resolven Partnerships and Communities Acting Together (PACT) meeting held in the Resolven area. Residents have complained about Anti-Social Behaviour at the bridge between Resolven Square and The Legion off Commercial Road, Resolven.

In addition the Police feel in granting the premises permission to carry out licensable activities one hour before, during and one hour after transmission of any recognised sporting event which falls outside permitted hours. Would result in the premises being open continuously throughout the night especially taking into account events such events as the Olympic Games, Southern Hemisphere and Trans Atlantic Sporting Events.

The Police note the application does not refer to Security Personnel or door staff or The implementation of a 31 day retrievable CCTV system with staff trained in its use.

The Police feel the term "usual extensions" require clarification.

It is envisaged that during the summer holiday period there will be an increase in persons visiting and congregating in the local pubs that are open the longest further contributing to further Anti-Social Behaviour, disorder and nuisance.

As a result the Police are objecting to the application in its current form. The above information is submitted for your perusal and consideration.

• Yours Faithfully

Gareth Jones

Police Constable 2166
Licensing Officer
(On behalf of the Chief Officer of Police)



Mr Tony John From **Oddi wrth**
Tel **Ffôn**
01639 685630 Date **Dyddiad**
29/07/2008 Your Ref **Eich Cyf**
Our Ref **Ein Cyf**
TJ/141962

Memorandum **Memorandwm**
To **At**

TO: Licensing Section FAO Jim Sullivan

SUBJECT: Amended Licensing Application received for a Variation for The Vaughan Arms, Resolven.

Thank you for sending me an amended application for the above which clarifies the points raised in my memo dated 25/7/2008.

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

1. In order to prevent public nuisance from noise I recommend that entertainment noise be inaudible inside any noise sensitive property. This condition should be applied to any variation granted and is in line with the recommendations of The Institute of Acoustics document on The Control of Noise from Pubs and Clubs.

Mr Tony John
Environmental Health Officer

Mr & Mrs N Thomas

4 Ardwyn Tce,

Resolven, Nr Neath,

SA11 4LY.

Neath Port Talbot CBC

Date; 08/08/08.

Licensing Section

Civic Centre

Neath

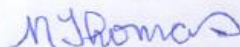
SA11 3QZ.

RE; Application From Vaughan Arms, Resolven.

Dear Sir or Madam

I am writing to you with reference regarding the application that you have received from Denise Jones-Rees in respect of the extension of the hours for live music and recorded music until 00.30 hours, We have lived at this property for approx 43 years which is opposite the Vaughan arms, we have had to put up with the noise of the doors slamming, fighting, swearing and shouting at this premises at a very late hours which i don't think that we should have to put up with this especially by extending the hours even more so could you possibly look into this application very carefully please

Yours Sincerely



Mr N Thomas.

LICENSING SECTION

Mrs Marcia Watkins
29 Commercial Road
Resolven
Neath
SA114NA

7th August 2008

Re: Extended license for Vaughn Arms Resolven

Dear Mr Sullivan

Please accept this letter as a strong objection for the music license to be extended at the Vaughn arms Resolven.

As a direct neighbour to the Vaughns I hear enough noise coming from the pub when they have a band or a late night disco in the skittle alley. My bedroom is right next door and trying to get to sleep when there is loud music is impossible. I am up at 6am every day and run a business which is open for 14 hours a day, so you can appreciate that when I go to bed I need my sleep.

Also I have a very sick father who lives with me and he suffers from chronic heart and kidney failure and he needs his rest as I am sure you will understand with these two conditions alone I am very concerned about the noise level. He has had two major heart attacks this year and if you need medical evidence of how ill my father is I am sure the medical service will not hesitate to give a full report.

I do not object to anybody enjoying themselves, however, when they take their enjoyment to a level where they disturb neighbours trying to sleep and relax in their own homes they are breaking the law, especially after 11pm they are disturbing the peace. People who live directly in the vicinity of the Vaughns have to listen to enough bad language and car radio's during the day, we do not want it at night as well so please stop and think very hard.

PLEASE REFUSE THE LATE MUSIC AND DRINKING LICENSE.

Yours sincerely



Marcia Watkins



Cyngor Cymuned **RESOLVEN** Community Council

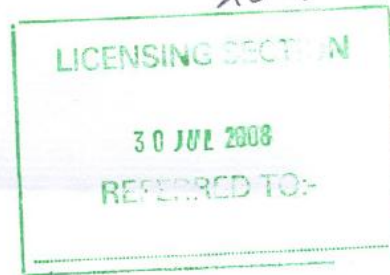
Clerc i'r Cyngor
Clerk to the Council
N. G. WILLIAMS
Tel: (01639) 711318



9 Coronation Avenue,
Resolven,
Neath,
SA11 4AF

Mr J Sullivan,
Licensing Manager,
NPTCB Council,
 Civic Centre,
PORT TALBOT

28 JULY 2008



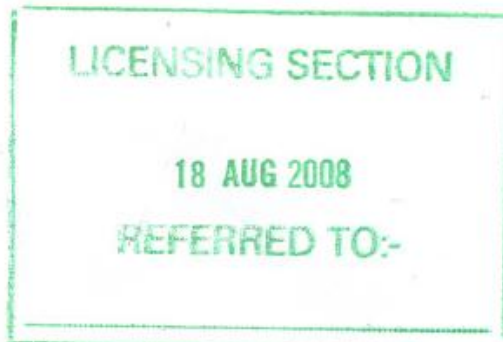
Dear Mr Sullivan,
Re: Extension of Licensing Hours for Music
Vaughan Arms, Resolven.

This Council wishes to object to this extension on the following grounds: -

- 1) The Vaughan Arms is in the middle of a residential area.
- 2) There have been problems with drinking on the pavement outside the house.
- 3) Noise levels are already over the limit that is why I have been asked to request the Environment Dept to carry out sound checks in the area.
- 4) Time limits are normally disregarded
- 5) Antisocial behaviour is already being experienced in this area as this was agreed as one of the major problems in the PACT Meeting held on 16 June 2008.

Copy D Davies

Yours Faithfully
N G Williams



"Ardwyn",
1, Ardwyn Terrace,
Resolven,
Nr Neath,
West Glamorgan,
SA11 4LY.

07 August 2008

To Whomsoever It May Concern,

Objection
Re – Variation of Licence for the Vaughan Arms.

We wish to record our objections to the proposed extension of the licence at the Vaughan Arms for the playing of live and recorded music.

There are already two other establishments very close by which have licences to play loud music all through the day until midnight (and seemingly beyond).

Enough is enough and we ask that this application be refused please.

Yours sincerely,

June and Duncan Davies