

LICENSING & GAMBLING ACTS SUB COMMITTEE
9th October 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-091008-REP-FS-DM

SECTION A – MATTERS FOR DECISION			
Report Item		Page Nos	Wards Affected
1.0 Application for a Premises Licence			
Reference Number	008276	2-29	Neath North
Name Address	Neath R.F.C Ground Gnoll Park Road Neath		

1.1 Application for A Premises Licence

Ref.No.:	008276	Wards Affected:	Neath North
Premises Name:	Neath R.F.C Ground		
Premises Address:	Gnoll Park Road, Neath		
Applicant Name:	Geraint Frederick Hawkes		
Applicant Address:	33 Coed Fan, Sketty, Swansea		
DPS Name:	Colin Tomlinson		
DPS Address:	10 Golwg Y Graig, Crynant, SA10 8RY		
Application Date:	18 th July 2008		

1.2 Licence Application

Opening hours

Monday to Sunday 12.00 – 00.30

Supply of alcohol:

Monday to Sunday 12.00 – 00.00

Live music: Outdoors

Monday to Sunday 12.00 – 00.00

Recorded music: Outdoors

Monday to Sunday 12.00 – 00.00

Performances of dance: Outdoors

Monday to Sunday 12.00 – 00.00

Activity like music and dance: Outdoors

Monday to Sunday 12.00 – 00.00

Facilities for making music: Outdoors

Monday to Sunday 12.00 – 00.00

Facilities for dancing: Outdoors

Monday to Sunday 12.00 – 00.00

Facilities for similar entertainment: Outdoors
Monday to Sunday 12.00 – 00.00

Late night refreshment: Outdoors
Monday to Sunday 12.00 – 00.00

1.3 Background Information (provided by applicant)

The Neath Rugby Club has a premises licence for the clubhouse and is now applying for a premises licence in respect of the rugby ground. The rugby ground comprises a field, together with the stands and open terraced areas. It is seeking a licence so that alcohol can be supplied from a marquee coloured red behind the terraced area at what is known as the “town end” and two kiosks which are coloured red on the plan being supplied on match days. It is also seeking the opportunity to provide regulated entertainment when events are organised at the ground. A fireworks display will take place during the first week of November.

N.b. The club already has a licence to cover the fireworks display and if this application is successful licence: 006762 may be surrendered.

1.4 Promotion of Licensing Objectives

General – all four licensing objectives

The Prevention of Crime and Disorder

- To ensure that at all times there will be an effective and responsible manager on duty on the premises when it is open for licensable activities
- To ensure that all staff are trained
- To ensure that all staff are properly supervised
- To organise the lay-out and the location of various pieces of equipment within the premises so that equipment can be properly monitored and where necessary, properly controlled e.g. cash registers away from patrons and gaming machines within view of staff
- To ensure that staffing levels are adequate to maintain a safe environment
- To ensure that all staff are aware that those who are heavily intoxicated or disorderly are to be managed in such a way that they will not be a harm to staff, patrons or themselves.

- To participate in schemes which are designed to maintain and improve the licensing objectives
- To ensure that all members of staff are vigilant to prevent the use or supply of illegal drugs
- To ensure that all staff are mindful of the problems of under age drinking and when in doubt to request age identification by reference to driving licence or passport.
- To maintain a similar policy to the above paragraph with regard to sale of tobacco
- To ensure that staff prevent glasses and bottles being brought into or out of the premises by patrons
- To ensure that there is provision for regular collection of glass and bottles.
- To ensure that where the consumption of alcohol is likely to be in the open air that consideration is given to the use of toughened or plastic vessels.
- To ensure that all staff will report to the relevant authorities (the police and the council) anyone dealing with illegal drugs or where illegal drugs are found on the premises.
- To ensure that staff do not permit entry or where they have entered shall not serve anybody who is heavily intoxicated or seems to be under the influence of drugs
- To reserve the right to search patrons on entry to the premises.
- To provide notices as appropriate in connection with under age drinking etc.
- To ensure that all members of staff are mindful of the above objectives, not only insofar as the licensed premises in concerned but also to consider those who live and work within the vicinity of the premises or are passing by.

Public Safety

- To ensure that the premises does not become overcrowded
- To ensure that means of escape in the event of fire or other emergency are always kept clear.
- To ensure that the staff are informed about safe evacuation procedures
- To ensure that the disabled or infirm are able to evacuate the premises
- To provide a sufficient number of people employed or engaged to secure the safety of the premises and its patrons

- To provide appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons including the disabled and infirm
- To ensure that all appliances and systems pertinent to safety are tested on a regular basis that a written record of the tests are kept and will be available to all relevant authorities
- The provision of effective CCTV in and around the premises
- To provide toughened or plastic drinking vessels if patrons (where appropriate) consume drink outside the premises

The Prevention of Public Nuisance

- To ensure that staff are made aware of the steps that are to be taken should there be any disorderly conduct on the premises e.g. to ask disorderly persons to leave but at the same time alert the relevant authorities.
- To ensure that patrons arriving and leaving by taxi and minibuses are reminded that they should do so without disturbing the residents and those who work in the vicinity of the premises and to suggest that they avoid using horns etc.
- To ensure that any refuse is stored and disposed of appropriately
- To be mindful of those who live and work in the vicinity when disposing of empty bottles or when deliveries are being made
- To remind staff to minimise noise when leaving the premises, particularly if it is late at night or in the early hours of the morning.
- To take appropriate steps to avoid any noxious smells.

The Protection of Children from Harm

- To ensure that staff are aware that it is prohibited to sell alcohol to children
- To ensure that staff are aware that it is prohibited to sell tobaccos to children
- To ensure that any child in the marquee is accompanied by a responsible adult
- Where films or televisions are available, to ensure if children are in the premises that the films are in accordance with the recommendations of the British Board of Film Classifications

- To request proof of age where there is any doubt as to the age of anyone at the premises
- To display restrictions on admission of children and sale of alcohol and tobaccos

1.5 Relevent Representations

Responsible Authorities

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

The Environmental Health Officer's representation is reproduced at appendix 1.

Interested Parties

Doreen Williams – 31 Gnoll Park Road
 Norman Holifield – 60 Gnoll Park Road
 R.W. Watkins & A.E. Watkins – 62 Gnoll Park Road
 David Price – 84 Gnoll Park Road
 Mrs Hughes – 7 Hazelwood Road
 Mr & Mrs Richards – 2 Hibbert Road
 Mr & Mrs Davies – 68 Gnoll Park Road
 Mrs Wakefield – 122 Gnoll Park Road
 W.T. Meredith – 66 Gnoll Park Road
 Mrs Sarah Wakefield – 4 Hibbert Road
 Mrs M.S. Winter – 2 Hazelwood Road
 Mr D. McKenna – 58 Gnoll Park Road
 Mrs Jones – 72 Gnoll Park
 Sarah Williams – 90 Gnoll Park Road

The above representations are reproduced at appendix 2.

1.6 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.

1.7 Officer Report

Neath R.F.C are seeking to provide the sale of alcohol, regulated entertainment and late night refreshment on Monday to Sunday between the hours of noon and midnight with closure of the premises at 12.30am.

This application is in respect of the rugby ground and spectator areas as identified in the submitted plan at appendix 3.

At present the club hold two premises licences as follows: -

Licence 1

This relates to the clubhouse only and permits the sale of alcohol, regulated entertainment and late night refreshment until midnight during the week and 1.00am on Friday and Saturday. However regulated entertainment is currently restricted to 11.00pm until such time as an acoustic report is provided and any required works are implemented.

Licence 2

This is operative only for the annual fireworks display on the rugby ground. The licence permits the sale of alcohol and the provision of regulated entertainment between 5.00pm and 9.00pm on one day during the first week of November. The applicant has indicated that if he is successful in obtaining a licence then he may surrender this licence.

The representations from the Environmental Health Officer and residents relate in the main to the likely disturbance from noise at the premises. A location plan of the area is provided showing the premises from where representations have been submitted.

1.8 Recommendation

That members determine the application after hearing all submissions

List of Background Papers

Application for a Premises Licence.

Officer Contact

J Sullivan Licensing Manager
Tel (01639) 763056 email j.sullivan@npt.gov.uk

Wards Affected

Neath North



Mr Tony John From **Oddi wrth**
Tel **Ffôn**
01639 685630 Date **Dyddiad**
11/08/2008 Your Ref **Eich Cyf**
Our Ref **Ein Cyf**
TJ/141685

Memorandum **Memorandwm**

To At

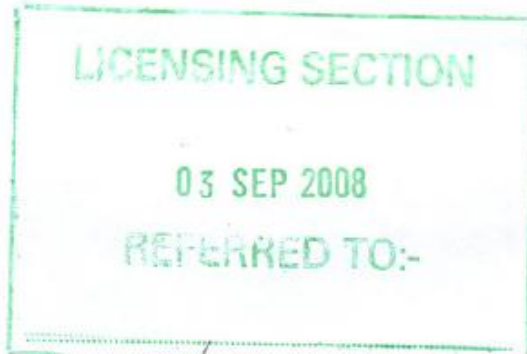
TO: Licensing Section FAO Jim Sullivan

SUBJECT: Licensing Application received for a Premise Licence for The Gnoll ground of Neath Rugby Club.

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

1. I am aware that certain events are held at the ground at present which do include musical entertainment and I am not aware that these have resulted in any complaints being made to the Environmental Health Section.
2. I have spoken with Mr Hawkes the applicant and have been informed that the intention is to provide entertainment to spectators around matches at the ground. Also occasional events will be held during the evening up until midnight.
3. My concerns relating to this application relate to the potential of noise nuisance to residential properties in the vicinity of the ground particularly late at night. The Institute of Acoustics offers advice in the document The Control of Noise from Pubs and Clubs and states that for regular entertainment the noise shall not be audible in any noise sensitive property at any time and for non – regular entertainment shall not be audible inside noise sensitive property after 23.00. Following this guidance I recommend that all entertainment involving amplified music shall cease at 23.00.

Mr Tony John
Environmental Health Officer



58 Gnohh Park Road

NEATH

SA11 3DB

1ST SAFT 2008.

Dear Mr Sullivan,

I wish to register my opposition to the application put forward by Neath Rugby Social Section, I feel the playing of amplified music outside of the clubhouse between the stated hours will make life unbearable, living only yards from the ground, not only would the music be intolerable we will have the added noise from the crowds leaving after midnight.

To demonstrate the noise effect, when there is a concert on Court Herbert the music can be heard from that distance.

I believe that when making your decision
you take into account the welfare and
health of the residents, and also the two
old peoples care homes on Crowth Park Road

Yours Sincerely

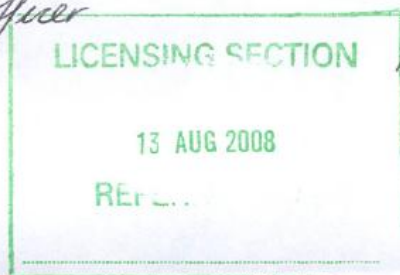
David McKeown.

008276

1

84 Groll Park Road
Neath
West Glamorgan
SA11 3DD

Mr. J. Sullivan
Principal Licensing Officer
Civic Centre
Port Talbot
SA13 1PJ



11th August 2008

Dear Sir,

Re: Variation of Licence - Neath R.F.C Social Club.

I have been told by your department that the above applicant has applied for a variation of licence to incorporate live and recorded music outside in the rugby field 12 mid-day to 12 midnight Monday to Sunday.

Whereby I appreciate the club is a business and as such needs to generate income as much as possible, I feel I must write and voice my objection to the above application.

When Neath R.F.C Social Club applied for an granted an entertainment licence back a few years ago,

2

it was agreed by the licensing committee and the club that no music would be audible after 11 o'clock in the night to the residents. This application would make that null and void.

In 2007 the club had a licence review which was brought about by its failure to adhere to its conditions and although the club succeeded in the review, mainly because months prior to the review they had "behaved" themselves.

This application would give the Social Club carte-blanche with regard to any time (12 to 12) or any day of the week to have music at the ground at the expense of the residents quality of life. The time of midnight is far too late, the noise level at that time of night, the time people will take to vacate the ground with the noise and disruption that will cause, going on past experience with the club it would more often

3

than not run over the allotted 12 midnight cut off time

Although I appreciate that the Social Club would not be holding concerts and such every night or even every week, the fact remains they could, if this application is approved.

I would ask the committee to reject this application on the grounds of the effects it would have on the residents of not just Groll Park Road but on all the surrounding area, to emphasize my point, recently there was a concert held at Curt Herbert playing fields, the music from that concert could be heard in Groll Park Road. That was thankfully over by 10:30 - 11 o'clock and a one off event.

One other thing I would like to mention, the display of the "notice" on the variation of the licence. On Friday morning 8th August 2008, I went over to the club to see if there was a notice displayed, I found

4

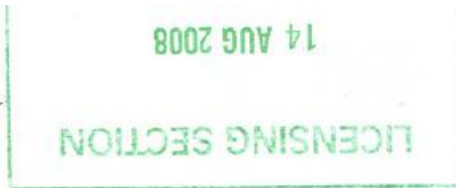
The notice, it was placed in the top left hand corner of the door on the entrance to the club but at such a height, you would have needed a step ladder to read it, although, by Friday night it was placed where people could read it. If this notice has been displayed since the 18th July when the ~~apples~~ application was put in, for the last 3 weeks no one could actually read it because of the height it was placed at. It gives the impression the club was going out of its way not to make people aware of what it was planning to do and not give people time perhaps to write in and object if they so wished.

Please remember this is a residential area with 2 care homes for the elderly in close proximity of the club. We as residents will have to live with the consequences if you should approve this application.

Yours faithfully

David Price
DAVID PRICE

Mr Jim Sullivan
Principal Licensing Officer
Civic Centre
Port Talbot



68 Gnoll Park Road
Neath
SA11 3DD

12 August 2008

Dear Sir,

I have only today learned of the Neath RFC Social Club's application to vary their entertainment licence to include live and recorded music in the open air from noon till midnight – Monday to Sunday. I understand this also involves the sale of alcohol and the possible use of fireworks. I am writing to register the opposition of both my wife and myself to this application in the strongest manner possible. I would point out that the area to which this application applies is a residential area, and any increase in noise levels and the inevitable associated increase in the anti-social behaviour of people under the influence of alcohol, at any time, but certainly until midnight and later, along with the setting off of fireworks and loud music, together with loudspeaker announcements, would be a totally unacceptable imposition to this area, which consists of established family houses.

We are acquainted with the generally good behaviour of the normal rugby fan that comes to see a game on a Saturday afternoon, kick off 3.00pm, maybe having a pint or two after, then a quiet walk home. This application however panders to a completely different type of clientele, and shifts the timing of it to the middle of the night. Surely the town of Neath is beset by enough problems caused by the effects of the sale of alcohol at present without subjecting a new area in the middle of family homes to it.

I recall that earlier licence variation applications by this club also faced opposition from residents and the police and were turned down by the Licensing Officer. I trust that due consideration will be given in this case to the people who will have to put up with the pandemonium that will result should this application be allowed.

I would like to point out that during recent events held at Court Herbert playing fields that involved the use of music from live bands, the sound was clearly audible from Gnoll Park Road, and that is across a distance of over half a mile. When music is played inside a building that is fitted with adequate sound proofing, the sound can sometimes be kept within acceptable limits, (however, we can still hear clearly the music from within the rugby club at present), but music from a live group equipped with powerful amplifiers, in the open air, is a different proposition altogether.

I think it is a pity that, on such a contentious issue, all residents living within at least a quarter mile radius of the rugby football field were not notified of this application. However, I realise that for licensing applications, this is not deemed necessary, but I feel that people have been left in the dark about this outrageous application, which, if allowed, would have a direct and significant impact on all people living in a huge area surrounding this field.

Yours Sincerely,

R. Davies & K Davies

Mrs Sarah Wakefield
4 Hibbert Road
Neath
SA11 3DE

Licensing Section
Civic Centre
Port Talbot
SA13 1PJ

14th August 2008

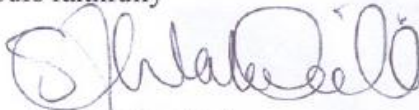
Dear Sir/Madam

RE – Application for Live Music –outdoors by Neath Rugby Club

I would like to put in an objection to the application for live music to be played outside in the grounds of Neath Rugby Club Monday to Sunday 12 midday to 12 Midnight.

The Club is in a residential area and the sound of live music outside would carry quite a distance. Most residents nearby I imagine have to get up for work, my husband in particular leaves the house at 5am every weekday morning, this means an early restful night is essential. I also feel that the Club could possibly use this licence if granted as an extra income by adverting the grounds for outdoor concerts to be held by other organisations.

Yours faithfully



Mrs Sarah Wakefield

LICENSING SECTION

14 AUG 2008

REFERRED TO:

LICENSING SECTION

12 AUG 2008

REFERRED TO:-

72, Snoll Park Road,
Neath.

SA11 3DD.

10th August 2008.

Dear Sir,

I have recently learnt that Neath R.F.C. Social Club have applied for a licence to include live and recorded music to be played outside in the rugby field from 12 mid-day to 12 midnight Monday to Sunday.

Because of the noise this would cause to myself and all other residents I wish to object ~~to~~ strongly.

Yours sincerely,

Edg. Lewis (Mrs)

Dear Mr J. Sullivan

31. Cinell Park Rd
North

I am writing to oppose the recent SA11 3BT application by North R.F.C. Social Club to vary their entertainment licence to include amplified music outside on the rugby field. 12m/night, is far to late, & as the tent/margin is right outside my back gate, the noise is far above the 100 decibels allowed by law - the noise last Thursday from 10pm was very disturbing. We are in a "arena" situation which magnifies the sound, which can be unpleasant to say the least. The surrounding residents agree also. The noise is not only of the "arena" but of the people & very often foul language accompanying it.

LICENSING SECTION
13 AUG 2008
REFERENCED

Yours faithfully
Green Williams
008276

2, Hibbert Road,
NEATH

Dear Sir,

I have heard that a licence to play music till 12 midnight is being applied for by Neath Rugby Club. Surely 11p.m. is late enough. It is for Neath Fair. Remembering that noise does continue at, and after 'turning-out-time'. Some people living nearby have to get up early for work, others have babies, young children, any sick and elderly etc. The sleep of all these could be disturbed.

Nearby residents are Council Tax Payers and if this 12 o'clock licence is granted then, surely, a lower Council Tax Banding must be considered in view of the extra noise generated etc. By the music, cars parking & leaving, car doors slamming, some voices raised etc. etc. The people of Charles Street etc. will well remember how their street was mis - used when similar events took place nearby.

Yours sincerely,

P Richards (Mr)
g Richards (Mrs)

LICENSING SECTION
12 AUG 2008
REFERRED TO:-
Dear Mr Sullivan,

90 Groll Park Road
Meath SA11 3DD

10th August 2008 (276)

I have heard that Meath R.F.C. Social Club have applied to include live & recorded music outside the rugby field from mid-day to midnight 7 days a week.

As a resident living opposite the Club I hope that this application will be rejected. The reasons, I think, are obvious

Yours truly,
Sarah J. Williams

62 Gnoll Park Road
Neath
SA11 3DD

11/08/08



Dear Sir

I understand that Neath Rugby Club has made an Application to hold events on the field from 12 noon to 12 midnight Monday to Sunday throughout the year.

As a local Resident, I object very strongly to this licence being granted. This is likely to be a possible nightmare for us, with loud music and the sale of Alcohol outside the clubhouse, and with the Football at the Gnoll ground now, there are possibly going to be more events held. Finishing at midnight will mean a noisy spill out of party – goes lasting into the early hours. This is going to be very disturbing for our families.

I think that this application should be rejected at least until we local residents have been consulted as a matter of courtesy.

Yours sincerely

R. W. Watkins
A. E. Watkins

Mr Jim Sullivan
Principal Licensing Officer
Civic Centre
Port Talbot
SA13 1PJ

60 Gnoll Park Road
Neath
SA11 3DD
Tel No. 01639 776463

Sunday 10 August 2008

Dear Sir




Re: Application for Social Licence

I have recently been made aware of an Application from Neath R.F.C. social club who require permission to hold events on the Rugby Field from 12 noon –12 midnight every day of the year, which will include live or recorded music and the sale of alcohol between those hours.

I wish to object to the granting of the licence most strongly, on the grounds that there will be no control over the number of events, and the disturbance possibly being caused at all hours, outside my residence. At the moment we are subjected to loud 'Tannoy' announcements and music on match days but that ends after the match which could be after 9 p.m. on weekdays, so I know how the noise invades our living room It is totally unacceptable to give such a wide - ranging licence, free of any control and no regard for local residents. With the advent of Football coming to the Gnoll this season, the likelihood of more frequent events is likely.

I therefore request that this Application be turned down, at least until a public debate is held.

Yours faithfully


Norman Holifield

LICENSING SECTION
 14 AUG 2008
 REFERRED TO:-

Thazelwood
 north
 5/11/08
 13/8/08.

Dear Mr Jim Sullivan,

I have been informed that due to take place north RFC will be applying for a licence Mon-Sun 12 midday 12 midnight ^{for loud music} me and my family, would like to object to this as even when all windows are closed, you can still hear the music very

loudly and is disturbing.
Especially as we have young
children in our household.
Yours sincerely
Mrs R Hughes

LICENSING SECTION
14 AUG 2008
REFERRED TO:-

122 Gnoll Park Road
Neath
SA113DG

13 August 2008

Licensing Section
Civic Centre
Port Talbot
SA131PJ

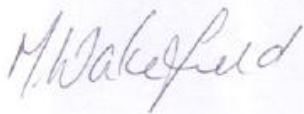
Dear Sir

I understand that the Neath Rugby Club has applied to have an open air music licence from 12 noon to 12 midnight.

As the area surrounding the club is residential and there are many elderly and young children living there, I think this is highly inappropriate. I think at best this will be a nuisance and could even be considered as noise pollution.

I trust you will accept this letter as my objection to this proposal.

Yours faithfully



Mary Wakefield(Mrs)

W T Meredith
66 Gnoll Park Road
Neath
SA11 3DD

11 August 2008

Mr Jim Sullivan
Principal Licensing Officer
Civic Centre
Port Talbot
SA1 1PJ



Dear Sir,

It has been brought to my notice that Neath R.F.C. Social Club have applied to vary their entertainment licence to include live and recorded music outside in the rugby field from 12 mid-day to 12 midnight Monday to Sunday.

If this is the case I object in the strongest possible terms to this application. We, the residents of Gnoll Park Road, suffer enough aggravation and inconvenience from this club as it is. As I am sure you are aware there are school children shift workers and elderly people living in this vicinity who must be considered seriously before the granting of this application.

Sincerely,

W T Meredith
W T Meredith

008276

LICENSING SECTION
22 AUG 2008
REFERRED TO:-

HAZELWOOD RD
NEATH
SA11 3DW.
20.8.09.

Dear Miss Bartle,

I wish to object to the alterations to the licence held by Neath R.F.C. Social club, because my house is close to Neath R.F.C. and as I have to work shifts which means I have to get up at 5 AM, I do not wish to have live and recorded music played throughout the week.

There is also a problem with parking in the streets around Neath R.F.C. and do not wish to have this added too

Yours Sincerely
Mr M.S. Winter.

