

LICENSING (2003 ACT) SUB COMMITTEE

9th November 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-091105 -REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
Licensing Act 2003 Premises Licence Applications		
Ref.No.: 002702 Premises Name: Trebanos Sports & Social Premises Address: 99 Swansea Road, Pontardawe, Swansea, SA8 4BN	2 –8 Appendix 1	Trebanos

Indoor Sporting Events:
Times as above.
Non-standard Timings:
As above.

Live Music:
Times as above.
Non-standard Timings:
As above.

Recorded Music:
Times as above.
Non-standard Timings:
As above.

Activity like Music/Dance:
Times as above.
Non-standard Timings:
As above.

Facilities for Making Music:
Times as above.
Non-standard Timings:
As above.

Facilities for Dancing:
Times as above.
Non-standard Timings:
As above.

Facility like Music/Dance:
Times as above.
Non-standard Timings:
As above.

Late Night Refreshment:
Monday - Thursday 23.00 - 12.30
Friday 23.00 - 01.30
Saturday 23.00 - 02.00
Sunday 23.00 - 00.30
Non-standard Timings:
As above.

1.3 Background Information

Provided by applicant:-

Club premises owned by private proprietor.

1.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

We have carefully considered the risks and benefits associated with the hours applied for and where necessary and appropriate to address the licensing objectives we have indicated so and done so. We will continue to train staff in the standards required by the relevant legislation. Our voluntary closure policy 30 minutes later than the proposed closure time for the supply of alcohol. We have considered your local policy in preparing this application. Although owned by a private proprietor there is a membership of Trebanos Sports & Social and the sale of alcohol will be principally confined to members of Trebanos Sports & Social and their bona fide guests. The proprietor will nonetheless reserve the right to supply alcohol and allow the facilities of the premises to be used by non members of Trebanos Sports & Social at his discretion.

The Prevention Of Crime & Disorder:

Providing a 30 minute extension of opening hours after the end of the time for the sale of alcohol will promote this objective as the last drink will be consumed less quickly and there will be access to the premises toilet facilities. The extended hours for the supply and the provision of regulated entertainment will provide for an orderly and gradual departure of customers from the premises and will promote this objective. Save in relation to off sales no glassware or bottles will be permitted to leave the premises.

Public Safety:

We understand our obligations under the existing Health & Safety legislation. We will continue to operate an incident reporting system.

The Prevention Of Public Nuisance:

Reasonable steps are taken to recognise the rights of local residents and to encourage customers to leave the premises quietly and orderly. The volume of amplified sound will be set and limited where appropriate so as to prevent public nuisance from noise escape from

the premises. Any existing double glazing will be maintained and doors and windows will not be propped open so as to minimise noise escape from music or amplified sound.

The Protection Of Children From Harm:

We recognise the importance of protecting children from harm. We will at all times observe the law and ensure that alcohol is not served to people who are under 18 years of age. All management and staff are briefed and trained in relation to the importance of their and our responsibility in ensuring that customers are over 18 years of age. No entertainment of a sexual explicit or other adult nature is proposed. Any children under 16 at the premises will remain the responsibility of the adult who accompanied them to the premises so that staff are not permitted to be in the sole supervision of such children.

1.5 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1

Environmental Health

See Appendix 2

Interested Parties Representations

No representations

1.6 Policy Considerations

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

Statement of Licensing Policy

6.0 *Crime and Disorder*

6.6 *In addition to the requirements that the Council promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The council is required therefore to have particular regard to the likely impact of licensing on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and*

management of premises are all significant factors, which can impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule.

6.9 (i) Door Supervisors

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

(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.

Prevention of Public Nuisance

- 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.*

- 8.3 *The Council may require applicants for premises licences to provide documented noise assessments with a view to minimizing noise nuisance.*
- 8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*
- 8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*
- 8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

Secretary of State's Guidance

7.0 *Prevention of 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.

1.7 Officer's Report

The police make representations in respect of crime and disorder and prevention of public nuisance. Recommendations are proposed to alleviate some of these issues.

The Environmental Health Officer expresses concern at the hours sought in respect of the provision of regulated entertainment and also the closing hours of the premises. Restrictions on hours are proposed to minimise nuisance.

1.8 Recommendation

That members determine the application after taking into account the representations received.

List of Background Papers

Application for Premises Licence

Officer Contact

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Wards Affected

Trebanos