

**LICENSING (2003 ACT) SUB COMMITTEE**

**10th May 2006**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

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### **1.1. Application for Premises Licence**

Ref.No.: 003436 Wards Pontardawe  
Affected:  
Premises Name: Mr P Turner & Mr S Price  
Premises Address: Car Park, Paradise Nightclub, Pontardawe, Swansea  
Applicant Name: Mr Paul Turner  
Applicant Address: 32 Ynys Y Mond Road, Alltwen, Pontardawe, Swansea, SA8 3BA  
DPS Name:  
DPS Address:  
Application Date: 16/03/2006

### **1.2. Licence Application**

The applicant seeks to provide licensable activities as follows:

Provision of late night refreshment

Opening Hours - Standard Timings:

Thursday - Saturday 22:00 04:15

Non-standard Timings:

Bank Holidays 22:00 04:15

### **1.3. Background Information**

Burger Trailer 10'0" x 8'0'

### **1.4. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four Licensing Objectives:

Having worked there since 1986 I am well known to most of the customers and their parents. I feel that this discourages a lot of disorder.

The Prevention of Crime & Disorder:  
Report incidents to Police.

Public Safety:  
Park trailer so that it does not cause an obstruction. Carry first aid box and mobile phone.

The Prevention of Public Nuisance:  
Provide Bin. Clear rubbish at end of shift.

The Protection of Children from Harm:  
Advise children to go home as it is an adult venue.

## **1.5. Relevant Representations:**

### **Responsible Authorities Representations**

Police

See Appendix 1

### **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 & Disorder***

6.2 *The council acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The council expects the licensing trade to fully co-operate and play its part in minimising 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.*

### **1.8. Officer's Observations**

Representations from the police express concern at the operating hours sought and public safety issues in respect of the location of the trailer. The operating hours under the applicants street trading consent are until 2.30am. The Licensing Act 2003 requires that this activity is licensed and is in addition to the need for a street trading consent.

The later operating hours being sought by this application is to take account of the later hours now being operated at the Paradise nightclub from where the majority of the applicant's customers originate.

However, it should be stressed that this application should be considered entirely on its own merits and the operating hours of other premises should not be taken into account.

### **1.9. Recommendation**

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

#### **List of Background Papers**

Application for a Premises Licence.

#### **Officer Contact**

J Sullivan Principal Officer Licensing  
Tel (01639) 686326 email j.sullivan@npt.gov.uk

#### **Wards Affected**

Pontardawe

## **2.0. Application for Premises Licence**

Ref.No.: 003642 Wards Aberdulais  
Affected:  
Premises Aberdulais Golf Range & Academy  
Name:  
Premises The Ynys, Aberdulais, Neath, SA10 8ES  
Address:  
Applicant Mr Thomas Gwyn Richards  
Name:  
Applicant 20 The Pines, Cilfrew, Neath, Neath Port Talbot, SA10  
Address: 8AL  
DPS Name: Mr Thomas Gwyn Richards  
DPS Address: 20 The Pines, Cilfrew, Neath, Neath Port Talbot, SA10  
8AL  
Application 29/03/2006  
Date:

## **2.1. Licence Application**

The applicant seeks to provide licensable activities as follows:-

Supply of Alcohol:

Monday - Friday 11.00 - 00.00

Saturday - Sunday 09.00 - 00.00

Opening Hours - Standard Timings:

Monday to Sunday 07.00 - 00.30

Films:

Monday to Sunday 08.00 - 00.30

Live Music:

Monday to Sunday 08.00 - 00.30

Recorded Music:

Monday to Sunday 08.00 - 00.30

Performance of Dance:

Monday to Sunday 08.00 - 00.30

Activity like Music/Dance:  
Monday to Sunday 08.00 - 00.30

Facilities for Making Music:  
Monday to Sunday 08.00 - 00.30

Facilities for Dancing:  
Monday to Sunday 08.00 - 00.30

Facility like Music/Dance - times as above

Late Night Refreshment:  
Monday - Sunday 23.00 - 00.00

## **2.2. Background Information**

Golf driving range with restaurant facilities in one room.

## **2.3. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four Licensing Objectives:  
Monitor carefully alcohol intake.

The Prevention of Crime & Disorder:  
C.C.T.V and alarm system is in place. C.C.T.V recordings kept for 28days.

Public Safety:  
Safety exits and lights are in place and agreed by Health & Safety Officer. Fire extinguishers in place and maintained regularly.

The Prevention of Public Nuisance:  
Live music to be only played inside building after 11pm.

The Protection of Children from Harm:  
All children to be supervised by a responsible adult at all times.

## 2.4. Relevant Representations:

### Responsible Authorities Representations

#### Police

See Appendix 2

#### Environmental Health

See Appendix 3

#### Fire

See Appendix 4

### Interested Parties Representations

No representations

## 2.5. Policy Considerations

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

### Statement of Licensing Policy

#### 7.0 **Public Safety**

7.3 *The Council requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and characteristics of the premises and events. Matters which should be considered by the applicant include:*

- *The occupancy capacity of the premises*
- *The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.*
- *The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature*
- *The hours of operation (differentiating the hours of opening*

*from the hours when licensable activities are provided, if different)*

- *Customer profile (e.g. age, disability)*
- *The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.*

**7.4** *The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:*

- *Suitable and sufficient risk assessments*
- *Effective and responsible management of premises both within and in the vicinity of the premises.*
- *Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons*
- *Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and all patrons including the disabled and infirm.*
- *Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA BS 5588 part 8 means of escape for disabled persons).*
- *Provision of effective CCTV in and around premises*
- *Provision of toughened or plastic drinking vessels*
- *Implementation of crowd management measures*
- *Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety*

## **8.0 Prevention of Public Nuisance**

**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 State's Guidance

#### *Public Nuisance*

- 7.39. *The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*
- 7.40. *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 for the Act's purposes. 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.<sup>6</sup>*

*It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.*

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.*

## **2.6. Officer's Observations**

Representations from the Police and Fire Officer relate to a lack of detailed information in respect of the application, particularly regarding the external area.

The Environmental Health Officer expresses concerns in respect of the hours requested, particularly in relation to music provided externally.

## **2.7. Recommendation**

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

### **List of Background Papers**

Application for a Premises Licence.

### **Officer Contact**

J Sullivan Principal Officer Licensing

Tel (01639) 686326 email j.sullivan@npt.gov.uk

### **Wards Affected**

Aberdulais

### **3.0 Application for Club Premises Certificate**

Ref.No.: 003311 Wards Briton Ferry  
Affected: East

Premises Briton Ferry A.F.C  
Name:

Premises The Old Ground, Old Road, Briton Ferry, Neath, SA11  
Address: 2HA

Applicant Mr Martyn Thomas  
Name:

Applicant 85 Glannant Way, Neath, West Glamorgan, SA11 3YW  
Address:

Application 26/01/2006  
Date:

#### **3.1. Licence Application**

Supply of Alcohol:  
Monday to Thursday 10.00 - 23.00  
Friday to Sunday 10.00 - 00.00  
Non-standard Timings:  
Christmas Eve, Boxing Night and New Year's Day 10.00 to 00.00

Opening Hours - Standard Timings:  
Monday to Thursday 10.00 - 23.00  
Friday to Sunday 10.00 - 00.00  
Non-standard Timings:  
Christmas Eve, Boxing Night and New Year's Day 10.00 to 00.00

#### **3.2. Background Information**

Association football club clubhouse.

#### **3.3. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four Licensing Objectives:

The Club's committee members are mindful of the licensing objectives and take the steps outlined hereunder to achieve those objectives.

The Prevention of Crime & Disorder:

Committee members are present during opening hours to provide security. Adherence to capacity limits. No happy hour.

Public Safety:

Emergency exits and fire alarms are in place. Premises are equipped with emergency lighting. Safety capacities are adhered to.

The Prevention of Public Nuisance:

Committee members present to ensure all patrons depart in as quiet a manner as possible. Door/exit areas of premises have notices posted requesting patrons to depart in a quiet and orderly fashion.

The Protection of Children from Harm:

Strict policy on underage drinking: if any doubt as to whether a customer is 18 years old then service is refused. No children allowed in the premises unless accompanied by an adult.

**3.4. Relevant Representations:**

**Responsible Authorities Representations**

Fire

See Appendix 5

**Interested Parties Representations**

No representations

**3.5. Policy Considerations**

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

Public Safety

7.1 *The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.*

7.2 *Each of these types of premises present a mixture of risks, with*

*many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.*

*7.3 The Council requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and characteristics of the premises and events. Matters which should be considered by the applicant include:*

- The occupancy capacity of the premises*
- The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.*
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature*
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)*
- Customer profile (e.g. age, disability)*
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.*

*7.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:*

- Suitable and sufficient risk assessments*
- Effective and responsible management of premises both within and in the vicinity of the premises.*
- Provision of a sufficient number of people employed or engaged  
to secure the safety of the premises and patrons*
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and all patrons including the disabled and infirm.*
- Adoption of best practice guidance (e.g. Guide to Fire*

*Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA BS 5588 part 8 means of escape for disabled persons).*

- *Provision of effective CCTV in and around premises*
- *Provision of toughened or plastic drinking vessels*
- *Implementation of crowd management measures*
- *Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety*

7.7 *The council will also consider attaching any other relevant conditions to licences and permissions to promote safety and these may include conditions drawn from the Model Pool of Conditions relating to public safety. (Appendices 2 & 2a).*

### **3.6. Officer's Report**

This application was deferred previously due to the representations made by the Fire Officer. These have now been withdrawn.

### **3.7. Recommendation**

Approval.

#### **List of Background Papers**

Application for Club Premises Certificate.

#### **Officer Contact**

J Sullivan Principal Officer Licensing

Tel (01639) 686326 email j.sullivan@npt.gov.uk

#### **Wards Affected**

Briton Ferry