

LICENSING (2003 ACT) SUB COMMITTEE

11TH APRIL 2007

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE LICENSING MANAGER
– J.M. SULLIVAN**

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-110407-REP-FS-JS

SECTION A – MATTERS FOR DECISION		
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1. Licensing Act 2003 Review of Premises Licence		
Description: Review of Premises Licence Ref.No.: 005875 Name: Cafe G's/The Ambassador Address: 22 The Parade, Neath, Neath Port Talbot, SA11 1RA	2-7	Neath North

1.1. Application for Review of Premises Licence

Ref.No.: 005875 Wards Neath North
Affected:
Premises Cafe G's/The Ambassador
Name:
Premises 22 - 42 The Parade, Neath, SA11 1RA
Address:
Applicant Mr Peter Wynne Edwards
Name:
Applicant 51 Daphne Road, Bryncoch, Neath, SA10 8DU
Address:
DPS Name: Miss Jane Louise Edwards
DPS Address: Ambassador Hotel, 24-42 The Parade, Neath, SA11
1RA
Application 15/2/07
Date:

1.2. Current Licence

Supply of Alcohol:
Monday - Saturday 10:00 - 02:00
Sunday 10.00 - 00.30
Non-standard Timings:
Sundays prior to Bank Holidays (except Easter Monday) 12.00
noon - 02.00am

Live Music:
Monday - Saturday 11:00 - 02:00
Sunday 12.00 - 00.30

Recorded Music - times as above

Performance of Dance - times as above

Dancing and anything of a similar nature – times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

Late Night Refreshment:
Monday - Saturday 23:00 - 02:00

Sunday 12.00 - 00.30
Non-standard Timings:
Sundays prior to Bank Holidays (except Easter Monday) 12.00
noon - 02.00am

1.3. Background Information

The premises operate as a hotel with public bars providing late night music and entertainment. The premises are located in the town centre and the area is mainly commercial.

1.4. Application for Review

The application for review of the premises licence is as follows:-

Applicant: P.C. J Williams – Licensing Officer South
Wales Police

Address: Neath Police Station, Gnoll Park Road, Neath

Status of Applicant – Responsible Authority

Date of Application – 15/2/07

1.5 Grounds for Review

The application relates to the following licensing objective(s):
The Prevention of Crime and Disorder and Public Safety.

Details

1. On the evening of Sunday 4th February 2007, an incident at the premises known as Café G's The Parade, Neath, which resulted in a serious disturbance starting at the premises before spilling out onto the Parade itself. The incident required the attendance of Police Officers (a count of 19 to date) from across the whole of the Neath Port Talbot borough, together with a dog handler and a regional traffic-based officers. The incident, captured on the town centre CCTV system, shows a level of violence and public disorder involving members of the public and doorstaff. The incident has led to a number of arrests for public order offences, with an ongoing enquiry to identify others who are

recorded on CCTV committing offences. This is in breach of objective 1 – The prevention of crime and disorder.

2. A meeting was held with the owners of the premises on Wednesday 25th January 2006. Since that meeting there have been a large number of incidents at or in front of the premises predominately between 22:30hrs and 02:00hrs on Friday, Saturday and Sunday. The incidents relate to public order and assaults. In contravention of objective 1 - The prevention of crime and disorder.
3. There is localised overcrowding inside the premises causing an obstruction to the main entry point. There appears to be a congregation of persons between the entrance and bar. In contradiction of objective 1 and 2 – Crime and disorder and public safety.
4. Details of door-staff employed at the premises at the time of the incident on 4th February were not kept in a log at the premises.

1.6. Previous Representations

The following representations were made when an application was made to convert and vary the licence in 2005.

1.6.1 Police:

The application is to sell alcohol and provide regulated entertainment until 3am each day of the week, with an extra hour each day for "drinking up" time. This will increase the capacity of late night premises to a time when there is a peak in alcohol related crime and disorder in the immediate area. The immediate vicinity outside these premises provides one of the Boroughs main areas for concern in relation to alcohol related violence, damage, disorder etc, and to permit the premises to open until such times will have an detrimental impact on crime volume, against licensing objectives. To increase the late night capacity of the area at the peak times for such incidents Evidence will be provided at any hearing by the Sector Inspector in support of this objection. The extra hour following the cessation of licensable activities is excessive, 30 minutes is acceptable.

The premises is drink orientated, I require SIA registered door supervisors at the premises in line with the standard set by other late night premises in the area, in the interests of public safety and crime and disorder. There should be a minimum of two door supervisors, with additional staff provided with reference to the Local Authority licensing policy in relation to the capacity of the premises.

In the interests of public safety and the prevention of crime and disorder, I require a capacity for the premises in line with the accepted standard of 1 person per metre sq, to ensure the premises is not categorized as a troublesome "high volume vertical drinking establishment". The current trend is away from this type of environment.

The application is to open premises for any recognized sporting events at the discretion of the DPS." This is clearly outside the guidelines issued under the Act, which states that certain events will be dealt with by the Secretary of State, alternatively events may be dealt with under the TEN system. This application clearly attempts to by-pass this system. The TEN system requires that the Police and Local Authority are notified at least 10 days in advance of the event, and a fee is paid to the Local Authority. There is a right of objection under this system. This application form seeks to ignore the right of objection and the fee payable. When it is not known when or how frequently premises will be open it cannot be determined whether or not the licensing objectives will be promoted. It is the duty of the Authority to ensure these objectives are promoted. The 2003 Act requires the times premises will be opened are stipulated, they are not.

In the interests of public safety and the prevention of crime and disorder, I require the extra CCTV suggested be installed with system approved by the Police Crime Prevention Officer, in respect of the type, coverage and location of the system. Tape recordings must be made available for Police and Local Authority inspection for a period of 31 days.

In the interests of public safety, and to prevent crime and disorder, I require safety glass, polycarbonates or plastic vessels only be used at these premises. This will have an impact on alcohol related violence.

The Sector Inspector relates a number of incidents at the premises that have been of concern.

1.6.2. Environmental Health:

1. The current Public Entertainment Licence for the premises allows for the playing of music and dancing and from 11:00- 02:00 daily Mon-Sat and from 12:00- 00:30 on Sunday with the exception for Sunday preceding Bank Holiday then from 2:00 - 02:00.
2. The application seeks to have live and recorded music from 10:00 - 03:00 daily with a special provision for new year -i.e. 11:00 on New Years Eve to 23:00 New Years day.
3. I consider the times asked for as being excessive bearing in mind that there is hotel accommodation in the street and therefore I recommend that the existing licensing hours apply to the playing of music and dancing as well as the sale of alcohol. This will minimise disturbance to town visitors as well as reducing late night and early morning disorder in the town.

1.7. **Further Representations**

When a review is submitted, all responsible authorities and interested parties are also able to make representations.

No further representations have been received.

1.8. **Licensing Officer's Report**

The applicant initially submitted an application in 2005 to convert and vary the licence. As a result of the representations made during the initial application, by the Police and Environmental Health, the applicant then withdrew the variation element of the application. The application thus became a simple conversion of the licence that existed.

When considering the application for review Members are required to have regard to all relevant representations and take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:-

- (a) to modify the conditions of the licence.
- (b) To exclude a licensable activity from the scope of the licence.
- (c) To remove the designated premises supervisor
- (d) To suspend the licence for a period not exceeding three months.
- (e) To revoke the licence.

1.9. Recommendation

That members determine the application after taking into account the representations received, and the submissions of the applicant.

List of Background Papers

Application for review of premises Licence.

Officer Contact

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Ward affected

Neath North