

**LICENSING (2003 ACT) SUB COMMITTEE**

**11<sup>TH</sup> MAY 2007**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

**INDEX OF REPORT ITEMS**

**PART 1 – Doc.Code: LICAS-110507-REP-FS-JS**

<b>SECTION A – MATTERS FOR DECISION</b>		
<b>Report Item</b>	<b>Page Nos</b>	<b>Wards Affected</b>
<b>1. Licensing Act 2003 Applications</b>		
Ref.No.: 005972 Description: Premises Licence Application Name: Bryndulais Hotel Address: Church Road, Seven Sisters, Neath, SA10 9DT	<b>2-19</b>	Seven Sisters

## 1.1. Application for Premises Licence

Ref.No.: 005972    Wards    Seven Sisters  
Affected:

Premises Name: Bryndulais Hotel  
Premises    Church Road, Seven Sisters, Neath, SA10 9DT  
Address:

Applicant Name: Call of the Wild (Adventure Activities) Ltd  
Applicant    6 Commercial Street, Seven Sisters, Neath, SA10 9DW  
Address:

DPS Name: Mr Geraint Lewis  
DPS Address: 69 Dulais Road, Seven Sisters, Neath, SA10 9ER  
Application    23/03/2007  
Date:

## 1.2. Licence Application

### Supply of Alcohol:

Monday to Thursday      09.00 - 01.00  
Friday to Sunday            09.00 - 02.00

### Opening Hours - Standard Timings:

Sunday to Thursday      07.00 - 02.00  
Friday to Saturday        07.00 - 03.00

### Plays:

Monday to Sunday        09.00 - 00.00

Films - times as above

### Indoor Sporting Events:

Monday to Sunday        09.00 - 01.00

### Boxing or Wrestling:

Monday to Sunday        09.00 - 00.00

### Live Music:

Sunday to Thursday      09.00 - 00.00  
Friday & Saturday        09.00 - 01.00

### Recorded Music:

Sunday to Thursday      07.00 - 02.00  
Friday to Saturday        07.00 - 03.00

Performance of Dance:

Sunday to Monday 09.00 - 00.00

Activity like Music/Dance:

Sunday to Thursday 09.00 - 02.00

Friday to Saturday 09.00 - 03.00

Facilities for Making Music:

Sunday to Thursday 09.00 - 02.00

Friday to Saturday 09.00 - 03.00

Facilities for Dancing:

Monday to Sunday 09.00 - 00.00

Late Night Refreshment:

Sunday to Thursday 08.00 - 02.00

Friday to Saturday 08.00 - 03.00

### **1.3. Background Information**

The Bryndulais Hotel is a public house situated in a residential area in the centre of Seven Sisters. The premises consists of a bar and lounge which are currently in use and also a function room and eight bedrooms which the applicant intends to refurbish and make available for use within two years.

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

The following information has been provided by the applicant:

General - all four Licensing Objectives:

We have experienced and professional staff and have regular meetings and training sessions. All staff are careful to sell alcohol to sensible adults who are not already drunk.

The Prevention of Crime & Disorder:

This premises doesn't have any serious crime and disorder problems mainly due to the experience of our staff and maturity of our customers.

Public Safety:

We make every effort to ensure our building is safe and clear of obstacles.

The Prevention of Public Nuisance:

We are careful to stop serving individuals who are becoming rowdy or boisterous.

The Protection of Children from Harm:

We don't serve anyone who doesn't appear to be eighteen unless they have proof of age. We may trial the validate scheme in future.

**1.5. Relevant Representations:**

**Responsible Authorities Representations**

Environmental Health

See Appendix 1

Police

See Appendix 2

**Interested Parties Representations**

See Appendix 3

See Appendix 4

See Appendix 5

See Appendix 6

See Appendix 7

**1.6. Policy Considerations**

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

Statement of Licensing Policy

**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.*
- 8.3 *The Council may require applicants for premises licences to provide documented noise assessments with a view to minimising 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.*
- 8.7 *When considering the potential for noise or disturbance, the licensing authority advises that where appropriate the following matters should be addressed in the operating schedule:*
- *The need for these will be dependent to the style and characteristics of the premises and events.*
  - *Obtaining advice from a suitably qualified acoustic specialist to determine any impact from activities. This applies both to music noise, and vibration.*
  - *Steps taken to control the emission of noise from the premises by ensuring that doors and windows are kept closed, e.g. entertainment noise, plant noise and social noise.*
  - *Structural alterations carried out to minimise noise leakage from*

*the premises, including sound insulation, acoustic lobbies, provision of air conditioning.*

- *Systems in place to deal with disorder on the premises.*
- *Measures to be taken to ensure that windows and doors are kept closed during periods when amplified music is being played.*
- *Steps taken to ensure that fire doors are kept closed.*
- *The arrangements in place to ensure that patrons leaving the premises do so in a way that does not disturb nearby residents.*
- *The use of CCTV systems to monitor the immediate area outside the premises and car park area.*
- *The measures taken to ensure that patrons arriving and leaving by taxi / minibuses do not disturb residents by arranging with taxi / minibus companies agreed pick up and drop off points and to avoid use of horns etc.*
- *Liaison with public transport providers.*
- *If the applicant has previously held a licence the history of enforcement action arising from these premises.*
- *Steps taken by the applicant to minimise any light pollution affecting the community.*
- *Details of any refuse storage, and disposal of any additional litter generated as a result of the activity.*
- *Steps to avoid late night noise from disposal of empty bottles.*
- *Measures to minimise noise from staff leaving the premises.*
- *Details as to whether the use of a noise limiter has been considered to control noise levels.*
- *The use of prominent signs displayed requesting patrons to have regard to local residents when leaving the premises.*
- *Steps to be taken to avoid any noxious smells from causing nuisance to local residents.*
- *Details of actions to be taken in the case of an emergency.*

8.8 *The council may require measures to deal with problems of litter. In particular with regard to licensed takeaway or fast food premises, the requirement to remove litter from the vicinity of the premises and or provide litter bins and or clean the area in the vicinity of the premises.*

8.9 *The Council will consider attaching any appropriate Conditions to licences and permissions to prevent public nuisance.*

Secretary of State's Guidance

- 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. 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.*
- 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.*
- 7.44 *Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance such issues.*
- 7.45 *In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises. Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in his own right. However, it would be perfectly reasonable for a licensing authority to impose a condition it considered necessary following relevant representations from a responsible authority or interested party that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living near-by to a peaceful night. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate.*
- 7.46 *The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter from its customers. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour. As with all conditions, the licensing authority will have to consider whether*



*such a requirement is necessary having regard to the licensable activities carried on, the type and characteristics of the premises.*

## **1.7. Officer's Report**

There is a current licence in force for the premises which authorises the supply of alcohol from 10.00 – 23.00 hours Monday to Saturday and from 12.00 – 22.30 hours on Sunday. This licence does not authorise regulated entertainment.

This application seeks to obtain a premises licence which will supersede the current licence, if granted.

The applicant has applied to supply alcohol:-

09.00 – 01.00 Monday to Thursday

09.00- 02.00 Friday to Sunday, both on and off the premises.

The applicant has not specified any restrictions on the use of the beer garden.

The applicant also wishes to provide live music:-

09.00-24.00 Sunday to Thursday

09.00 – 01.00 Friday and Saturday.

Recorded music and the like 09.00 – 02.00 Sunday to Thursday

09.00 – 03.00 Friday and Saturday with recorded music commencing at 07.00 hours.

It is intended that all regulated entertainment will take place indoors.

Representations received from the Environmental Health Department express concern that the proposed opening times have the potential to cause disturbance to neighbours in what is a predominantly residential area. The representations also recommend restricting the opening hours of the premises to 09.00 – 00.30 hours and between 09.00 – 01.00 hours on Friday and Saturday with a condition that entertainment noise will be inaudible at any residential property.

Representations received from the South Wales Constabulary expresses concern at the potential for social disturbance and public nuisance. The police have suggested that an approved CCTV system be installed with recording being retained for 28 days and made available to authorised personnel, that SIA registered door staff be employed on an agreed staffing level, that a capacity be set for the premises, that polycarbonate or safety glasses be used and that a

sound engineers report be obtained to assess and propose measures to prevent noise nuisance to adjacent noise sensitive premises.

Representations have been received from five households in Seven Sisters. The location of each household is indicated on the attached map of the area. Three of the households are adjacent to the premises whilst two are in the area between 50 and 100 metres from the premises. All of the representations indicate that the premises are surrounded by family homes, most of which have children. They also allege that since re-opening they have been plagued by increased levels of noise, shouting, swearing and screaming until 02.00 (the existing licence only permits the supply of alcohol until 23.00 hours with 20 minutes drinking up time).

**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**

J Sullivan Licensing Manager

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

**Wards Affected**

Seven Sisters

# Appendix 1



005972

Tony John  
01639 686360  
26/03/2007

From **Oddi wrth**  
Tel **Ffôn**  
Date **Dyddiad**  
Your Ref **Eich Cyf**  
Our Ref **Ein Cyf**

TJ/123766

## Memorandum Memorandwm

To At

**TO: Licensing Section FAO Jim Sullivan**

### SUBJECT: Licensing Application for a Premise Licence at The Bryndulais Hotel, Seven Sisiters

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

1. The application premise is situated in a predominantly residential area and concern is expressed over the opening times sought having regards to the potential disturbance to local residents.
2. Bearing in mind the above I recommend that the premise be open to the public between 09:00 and 00:30 Sunday to Friday and 09:00 to 01:00 Friday and Saturday and that all licensable activities ceases 30 minutes before.
3. I further recommend that a general condition be applied to any licence that entertainment noise shall be inaudible at any residential property.

**Tony John**  
**Environmental Health Officer**



Environment/ELicMemo

Social Services, Health & Housing  
Cyswaraethau Cymdeithasol,

F41107

## Appendix 2

### Alwyn Hughes

**From:** John.B.Williams@south-wales.pnn.police.uk  
**Sent:** 18 April 2007 15:58  
**To:** Alwyn Hughes; Neil Chapple; Ron Staddon; Sarah Bartle; Val Cotton  
**Subject:** Bryndulais Hotel, Church Road, Seven Sisters

In respect of the application for a premises licence in respect of the above premises, I wish to register an objection on the following grounds:

1. The premises is located in a residential area. To permit opening hours, the sale of intoxicants and the provision of regulated entertainment until 2 a.m. Sunday to Thursday and 3 a.m. on Friday and Saturday will result in the potential for social disturbance as well as public nuisance as a result of those activities. Social disturbance could be noise from pedestrian and vehicular traffic associated with the premises, or that associated with conduct of the premises, or noise from persons outside the premises as a result of the smoking ban at enclosed premises. No details are provided in the application to show how this problem will be addressed at such late times when ambient noise levels are very low.
2. Page 13 paragraph, non-standard timings are requested for 24hrs for residents when letting bedrooms become available. They are not available at this time nor are they shown on the submitted plan of the licensed premises, and will be more appropriately dealt with as and when a plan of the premises includes this area.
3. Page 14, paragraph a) refers to "experienced and professional staff" and that "regular training" sessions are held. Is this training accredited? There is an obligation to promote the licensing objectives, how does this do so?
4. Page 14, paragraph b) the prevention of crime and disorder. Under this licence the premises will be able to operate as a late night drink and entertainment venue. To promote the prevention of crime and disorder, as a late night venue, I require the premises be installed with a CCTV system of a type, format and coverage agreed by the Police Crime Prevention Officer for the area. Recordings, in which ever format must be retained for a minimum period of 28 days, with access afforded to Police and Officers of the Local Authority.
5. To deter crime and disorder and to promote public safety, I require the employment of SIA registered doorstaff in a minimum ratio in accordance with Local Authority Licensing Policy Guidelines, ie, minimum of two with one extra person per 100 capacity beyond 200 persons. A record must be kept of the duty state of all doorstaff, which must be available for inspection by Local Authority or Police Officers.
6. Page 14, paragraph c) a safe capacity is required for the premises is required to promote public safety. A capacity is required away from those associated with late night high volume vertical drinking establishments.
7. To promote public safety, as a late night venue the use of polycarbonate or safety glasses is required, especially in outside area, notably the external patio area which is indicated as part of the licensed area.
8. Page 14, paragraph d), the promotion of the prevention of public nuisance. The premises will, under the terms of the licence required, be permitted to play amplified music until 02:00 hrs and 03:00 hrs Sunday to Thursday and Friday and Saturday respectively (stage and sound, karaoke etc). Noise suppression equipment is required, all doors and windows must be closed whenever regulated entertainment is provided. No noise from such entertainment should be audible at the nearest noise sensitive premises. Due to the lateness of the proposed activities, I require the deposition of a sound engineers report to assess the impact of such entertainment. How is it proposed to remove the impact on local residents when it is proposed to offer all licensable

activities until such a late hour. It would appear that to operate in such a location to such a late hour will have an detrimental impact on local residents.

9. What proof of age scheme will be utilised to promote the protection of children from harm?

Submitted for your information and consideration,

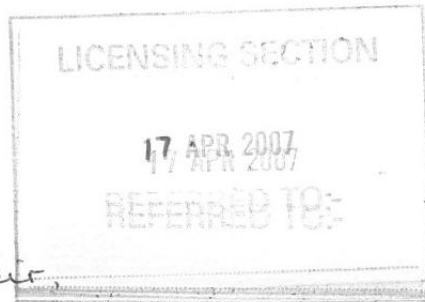
*PC John Williams*

*Licensing Officer 'G'*

*Ext 51-207*

*Direct Line 01639 640207.*

*E-mail: [John.B.Williams@south-wales.pnn.police.uk](mailto:John.B.Williams@south-wales.pnn.police.uk)*



SUSAN DAVIES  
57 CHURCH RD  
SEVEN SISTERS  
NEATH  
SA10 9DL

Dear Sir,

With regards to the recently revised licencing application, submitted by the Bryndulais Hotel on Church Rd, Seven Sisters. May I take this opportunity to voice my, and indeed a considerably large number of other local residents opinions and comments on this subject.

Firstly may I be the first to say how happy I am that the establishment will continue to remain the last (and only) public house in the village, and I and indeed many friends and associates will undoubtedly frequent and enjoy this amenity for many more years to come.

However, as a close neighbour, I, like many others, have concerns about granting a 2.00 am closing licence, bearing in mind the location of this establishment. It is surrounded by family homes most of which have children.

Since reopening we have been plagued by increased levels of noise i.e. shouting, swearing and screaming and this continues well after the 2.00am closing.

It is frequented by the underage and recently Police and ambulance crews were called due to a drug overdose in the pub.

Yours sincerely

S Davies

ANNE & NIGEL PEMBROKE  
63 CHURCH RD  
SEVEN SISTERS  
NEATH  
SA10 9DT.

LICENSING SECTION  
17 APR 2007  
REFERRED TO:-

Dear Sir,

With regards to the recently revised licencing application, submitted by the Bryndulais Hotel on Church Rd, Seven Sisters. May I take this opportunity to voice my, and indeed a considerably large number of other local residents opinions and comments on this subject.

Firstly may I be the first to say how happy I am that the establishment will continue to remain the last (and only) public house in the village, and I and indeed many friends and associates will undoubtedly frequent and enjoy this amenity for many more years to come.

However, as a close neighbour, I, like many others, have concerns about granting a 2.00 am closing licence, bearing in mind the location of this establishment. It is surrounded by family homes most of which have children.

Since reopening we have been plagued by increased levels of noise i.e. shouting, swearing and screaming and this continues well after the 2.00am closing.

It is frequented by the underage and recently Police and ambulance crews were called due to a drug over-dose in the pub.

yours sincerely

A. Pembroke

JANE VEQUAET  
54 CHURCH ROAD  
SEVEN SISTERS  
NEATH  
SA10 9OT



Dear Sir,

With regards to the recently revised licencing application, submitted by the Bryndulais Hotel on Church Rd, Seven Sisters. May I take this opportunity to voice my, and indeed a considerably large number of other local residents opinions and comments on this subject.

Firstly may I be the first to say how happy I am that the establishment will continue to remain the last (and only) public house in the village, and I and indeed many friends and associates will undoubtedly frequent and enjoy this amenity for many more years to come.

However, as a close neighbour, I, like many others, have concerns about granting a 2.00 am closing licence, bearing in mind the location of this establishment. It is surrounded by family homes most of which have children.

Since reopening we have been plagued by increased levels of noise i.e. shouting, swearing and screaming and this continues well after the 2.00am closing.

It is frequented by the underage and recently Police and ambulance crews were called due to a drug overdose in the pub.

yours sincerely  
J.V.



17 APR 2007  
REFERRED TO:-

MAS G. PHILLIPS,  
29, MARTYNS AVE  
SEVEN SISTERS  
NEATH  
SAID 9DR

Dear Sir,

With regards to the recently revised licencing application, submitted by the Bryndulais Hotel on Church Rd, Seven Sisters. May I take this opportunity to voice my, and indeed a considerably large number of other local residents opinions and comments on this subject.

Firstly may I be the first to say how happy I am that the establishment will continue to remain the last (and only) public house in the village, and I and indeed many friends and associates will undoubtedly frequent and enjoy this amenity for many more years to come.

However, as a close neighbour, I, like many others, have concerns about granting a 2.00 am closing licence, bearing in mind the location of this establishment. It is surrounded by family homes most of which have children.

Since reopening we have been plagued by increased levels of noise i.e. shouting, swearing and screaming and this continues well after the 2.00am closing.

It is frequented by the underage and recently Police and ambulance crews were called due to a drug overdose in the pub.

yours sincerely

*G Phillips*

LICENSING SECTION

17 APR 2007

REFERRED TO:-

Leanne Jones  
59, Church Road  
Seven Sisters  
Neath  
SA10 9DU.

Dear Sir,

With regards to the recently revised licencing application, submitted by the Bryndulais Hotel on Church Rd, Seven Sisters. May I take this opportunity to voice my, and indeed a considerably large number of other local residents opinions and comments on this subject.

Firstly may I be the first to say how happy I am that the establishment will continue to remain the last (and only) public house in the village, and I and indeed many friends and associates will undoubtedly frequent and enjoy this amenity for many more years to come.

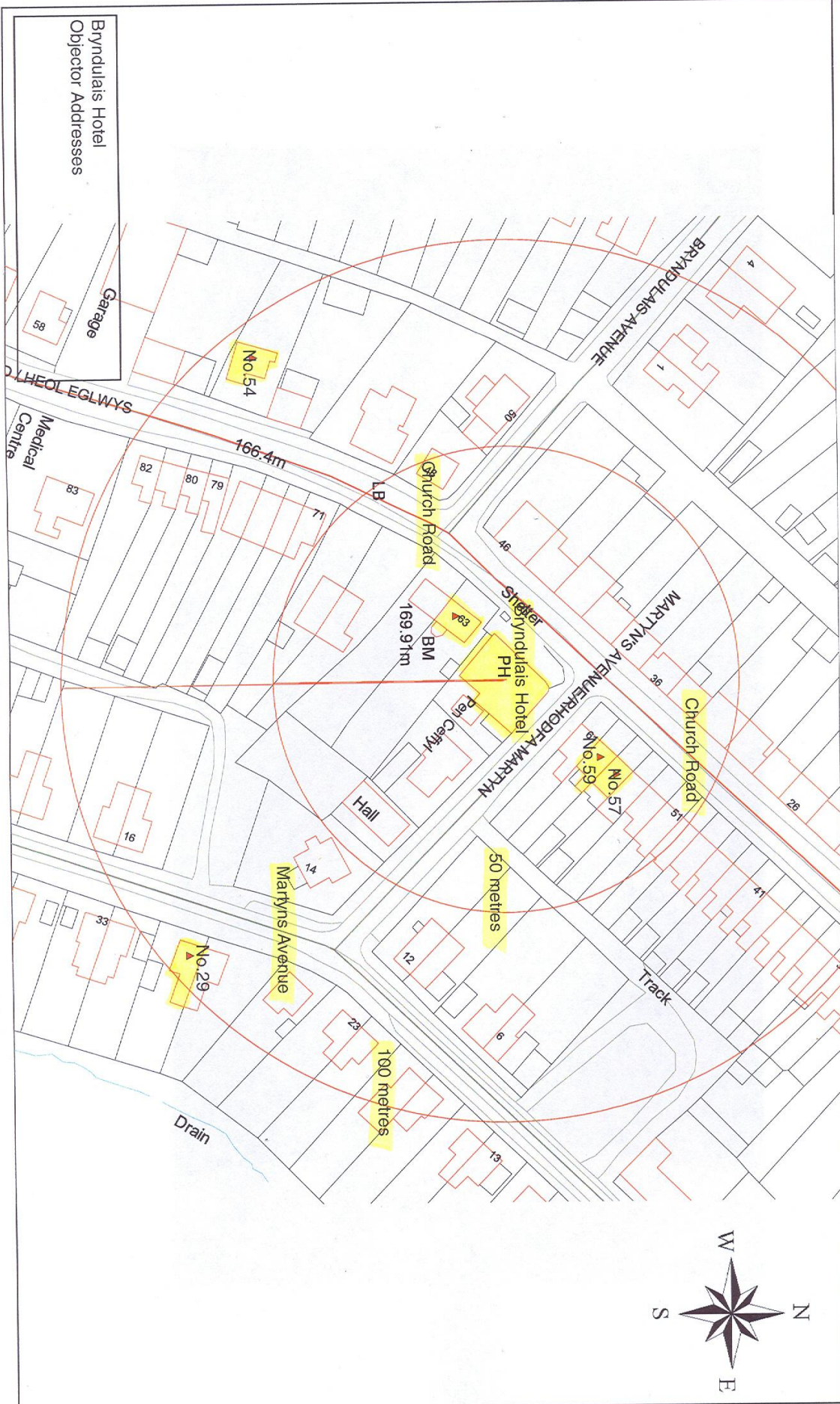
However, as a close neighbour, I, like many others, have concerns about granting a 2.00 am closing licence, bearing in mind the location of this establishment. It is surrounded by family homes most of which have children.

Since reopening we have been plagued by increased levels of noise i.e. shouting, swearing and screaming and this continues well after the 2.00am closing.

It is frequented by the underage and recently Police and ambulance crews were called due to a drug overdose in the pub.

yours sincerely

Leanne Jones.



© Crown copyright. All rights reserved Neath Port Talbot CBC LA090131 - 17/04/2007

Printed with TFMMS Viewer NPTCBC GIS V7.43N