

LICENSING (2003 ACT) SUB COMMITTEE

12th September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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Licence Application for Transitional Premises Licence with Variation

Ref.No.: 002050 Wards Neath North
Affected:
Premises Name: Bar Metro & Signals Night Club
Premises Address: 11 Commercial Street, Neath, West Glamorgan, SA11 1SB
Applicant Name: Mrs Debra Elizabeth Richards
Applicant Address: 68 Commercial Street, Kenfig Hill, Bridgend, CF33 6DL
DPS Name: Mrs Debra Elizabeth Richards
DPS Address: 68 Commercial Street, Kenfig Hill, Bridgend, CF33 6DL
Application Date: 19/07/2005

1.2 Conversion Application

The premises have traded as a public house for many years and are entitled to a premises licence for the sale of alcohol with the previous permitted hours becoming conditions of the new licence.

The Relevant licensable activities are presently:-

The Sale of alcohol	Monday to Saturday Sunday (On and off premises)	10.00am - 23.00 Noon - 22.30
Special Hours Certificate	Monday - Saturday Sundays Bank Holiday Sunday	11.00 - 02.00 Noon - 00.30 Noon - 02.00
Public Entertainment Licence	Monday - Saturday Sunday	Noon - 02.00 Noon - 00.30

Special conditions apply.

The above are subject to the provisions and restrictions of the Licensing Act 1964 and the local Government (Miscellaneous Provisions) Act 1982 and standard conditions attached to Public Entertainment Licences.

1.3 Variation Application

The applicant seeks to extend the licensing activities as follows:-

Supply of Alcohol:
Monday to Sunday 08.00am - 4.00am

Opening Hours:
Monday to Sunday 08.00am - 4.30am

Plays:
Monday to Sunday 08.00am - 4.00am

Films:
times as above

Indoor Sports:
times as above

Boxing or Wrestling:
times as above

Live Music:
times as above

Recorded Music:
times as above

Performance of Dance:
times as above

Activity like Music/Dance:
times as above

Facilities for Making Music:
times as above

Facilities for Dance:
times as above

Facility like Music/Dance:
times as above

Late Night Refreshment:
Monday to Sunday 23.00 - 4.00am

The applicant is also seeking to remove the following restriction on the Public Entertainment Licence:-

No entry/re-entry two hours before last permitted hour.

1.4 **Background Information**

Premises situated in a predominantly industrial area.

Bar Metro :-

Ground floor capacity 200 persons, trading as bar and restaurant.

Present hours of opening-	Monday to Saturday	Noon - 02.30
	Sunday	Noon - 00.30

Fully disabled access and facilities, dance floor and DJ present.

Signal Nightclub:-

First floor capacity 500 persons trading as nightclub with dance floor and DJ box.

Present hours of opening:-	Monday to Saturday	Noon -02.00
	Sunday	Noon - 00.30

1.5 **Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

We have put an extra three staff through the BIIAB course to enable us to have a qualified licensee on the premises at all times.

The Prevention of Public Nuisance:

We make provision so that customers can enter and leave the building quickly and efficiently without causing noise and disruption.

We propose to stagger trading hours so that large numbers of people leaving at once can be avoided.

The staff are trained to recognise customers who have drunk too much and will refuse service.

We do not allow bottles/glasses to be taken off the premises.

The building is sound proofed to the highest standard.

The Protection of Children from Harm:

Children are restricted in the fact that they must leave Bar Metro by 21.00 hrs, as we feel it inappropriate for children to be present after the nightclub hours of opening.

Children must be accompanied by an adult under the age of 16yrs

The Prevention of Crime & Disorder:

The Metro Bar/Signals Night Club employs door staff who are trained to the required standard (S.I.A)

We liase with the police and are also members of the Pubwatch Scheme.

We have a strict drug and alcohol policy which all staff are familiar with.

CCTV is used throughout as are panic buttons direct to police station.

CCTV tapes retained for 28 days.

Public Safety:

We ensure the safety of the public by making the public areas safe for entry and exit.

Risk assessments are in place for the areas involved, our staff are trained and competent operatives.

We have first aid trained personnel present all times.

Accident reporting procedures are also in place.

There are break glass points and fire extinguishers throughout building with weekly fire checks taking place.

We have also implemented the use of plastic glasses and the building itself is kept to the highest standard of repair.

CCTV and door staff.

1.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1

Environmental Health

See Appendix 2

Interested Parties Representations

See Appendix 3

1.7 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 *The Council considers that certain types of premises are likely to require additional measures or conditions due to the nature, type and mode of operation. These would include premises, which sell alcohol and cater mainly for the 16-25 age group and provide regulated entertainment, or premises which provide events or entertainment mainly for children.*

In order to ensure the safety of patrons and other persons in the vicinity of the premises, the council suggests that operating schedules give consideration to the following measures and may require any or all of these measures to be implemented in the interests of minimising crime and disorder.

(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.

(iii) Glasses/Bottles

Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.

(iv) Drugs

Applicants are expected to be able to demonstrate that they can comply with Home Office Guidance “Safer Clubbing” and have an agreed protocol with the council and the police for dealing with illegal drugs found on their premises. Matters likely to be required may include: - condition of entry to all premises, drugs amnesty boxes, CCTV coverage, log of all seizures, stop and search policy, and the availability of free water.

7.0 Public Safety

7.5 *Certain types of premises, due to the nature of activities being provided, may give rise to a significant risk if occupancy numbers are not set. The council following representations will consider setting occupancy limits particularly in respect of the following types of premises:*

(i) night clubs/public houses providing regulated entertainment

(ii) theatres

(iii) cinemas

(iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.

7.6 *The council following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to minimise crime and disorder.*

8.0 *Prevention of Public Nuisance*

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.*

Secretary of States Guidance

7.0 *Crime and Disorder*

7.27 *Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence where such activity is likely to occur, by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass). A condition must also be capable of being met, for example, while beer glasses may be available in toughened glass, wine glasses may not. Conditions of this kind therefore need careful consideration to ensure that they are not only necessary but both practical and achievable. Similarly, although most commonly made a condition of a licence on public safety grounds, consideration can also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.*

Public safety

7.34 *Safe capacities* "should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.

Prevention of Public 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.

7.43 *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.*

1.8 Officer's Report

The representations of the police relate to the crime and disorder objective as well as Public Safety and Public Nuisance. The hours of operation appears to be the main issue both for the police and Environmental Health Officer on grounds of crime and disorder and nuisance to residents respectively. Matters relating to occupant capacity are covered by the Public Entertainment Licence for the nightclub part of the premises. Other proposed conditions can be implemented if they are

considered appropriate and effective. The proximity of residential properties means their amplified music from the premises is likely to give rise to disturbance particularly when customers are entering and leaving the premises. Also social disturbance is likely to be significant.

1.9 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 Principal Officer Licensing

Tel 01639 686326 e-mail j.sullivan@npt.gov.uk

Ward Affected

Neath North

2.1 Licence Application for Transitional Club Certificate with variation

Ref.No.: 002046 Wards Cadoxton
Affected:
Premises Name: Neath Golf Club
Premises Cadoxton, Neath, SA10 8AH
Address:
Applicant Name: Mr David Richard Thomas
Applicant 5 Kestrel Close, Bryncoch, Neath, West Glamorgan, SA10 8DX
Address:
Application 19/07/2005
Date:

2.2 Conversion Application

The premises have operated as a registered club for many years and are entitled to a Club Premises Certificate for the sale of alcohol with the previous permitted hours becoming conditions of the new licence.

The relevant licensable activities are presently:-

The sale of alcohol	Monday to Saturday	10.00 - 23.00
	Sunday	Noon - 23.30
	(On and off premises)	

The above are subject to the provisions and restrictions of the Licensing Act 1964.

2.3 Variation Application

The applicant seeks to extend the licensing activities as follows:-

Supply of Alcohol:
Monday - Sunday 09.00 - 00.00

Plays:
Monday - Sunday 11.00 - 00.00

Films:
Times as above.

Indoor Sporting Events:
Times as above.

Live Music:

Times as above.

Non-standard Timings:

New Year's Eve

00.00 - 01.00

Recorded Music:

Times as above.

Non-standard Timings:

Times as above

Performance of Dance:

Times as above.

Activity like Music/Dance:

Times as above.

Facilities for Making Music:

Times as above.

Facilities for Dancing:

Times as above.

Non-Standard Timings

New Year Eve extended from 00.00 – 01.00 New Years Day.

2.4 Background Information

Single storey one floor building with cellar beneath. Area of approx 3000sq ft.

Where alcohol consumed split between bar, lounge and snooker room.

Off site supply patio area 500 sq ft adjoining club situated half a mile from Cadoxton village on Cwmbach Road.

2.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

Designated premises supervisor Mr M Budge - Steward.

CCTV to be updated and repositioned.

Staffing levels adequate for current control.

Age verification has never been a problem as all junior members are personally known to steward.

Plastic drinking vessels used for outdoor BBQ.

Public Safety:

Existing fire exits adequate and unobstructed.

Premises supervisor aware of action plan in cases of emergency.

All fire extinguishers serviced annually.

Emergency lighting fully functional - regularly tested.

Occupancy capacity of 120 persons - Never exceeded.

The Prevention of Public Nuisance:

Only approximately 12 occasions (Maximum at present) Amplified music is played on the premises - do not limit to 12 please.

Nearest residence is 500 yards away - Cumbach Cottages.

Doors/windows always kept closed and double-glazed.

Patrons leaving late at night do so in the main by taxi and taxi drivers always come into the club.

Light pollution has no effect on the community.

The Protection of Children from Harm:

All children must be accompanied by an adult whilst on club premises. Premises supervisor is aware of his responsibilities in this respect.

Children not allowed to attend late night events.

Children's Christmas Party supervised by adult parents.

Bad language strictly controlled and disciplinary action taken where necessary.

2.6 Relevant Representations:

Responsible Authorities Representations

Environmental Health

See appendix 5

Interested Parties Representations

No representations

2.7 Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

8.3 *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. *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 States Guidance

Prevention of Public 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.*

7.43 *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.

2.8 Officer's Report

The representation relates solely to the playing of music outside the premises. Appropriate conditions can be considered to deal with this matter.

2.9 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 Principal Officer Licensing

Tel 01639 686326 e-mail j.sullivan@npt.gov.uk

Ward Affected

Cadoxton

3.2 Licence Application for Transitional Club Certificate With Variation

Ref.No.: 002045 Wards Neath North
Affected:
Premises Name: Neath Workingmens Club
Premises 38-42 Wind Street, Neath, West Glamorgan, SA11 3HA
Address:
Applicant Name: Mr Vivian Calvin Thomas
Applicant 35 Wheatley Road, Neath, SA11 2BH
Address:
Application 19/07/2005
Date:

3.2 Conversion Application

The premises have operated as a registered club for many years and are entitled to a club premises certificate for the supply of alcohol with the previous permitted hours becoming conditions of the new licence.

The relevant licensable activities are presently:-

The supply of alcohol	Monday to Saturday	10.00 - 23.00
	Sunday	Noon - 22.30
	(On and off premises)	

The above are subject to the provisions and restrictions of the Licensing Act 1964

3.3 Variation Application

The applicant seeks to extend the licensing activities as follows:-

Supply of Alcohol:	
Monday to Saturday	10.00 - 00.00

Plays:	
Monday to Sunday	10.00 - 00.00

Films:
times as above

Indoor Sports:
times as above

Boxing or Wrestling:
times as above

Live Music:
times as above

Recorded Music:
times as above

Performance of Dance:
times as above

Facilities for Dance:
times as above

3.4 Background Information

Ground floor entrance - foyer, bar, games room, lounge, skittle alley ladies and gents toilets.

1st floor function room with bar area, ladies and gents toilets.

Cellar - cask and bottle store.

3.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of crime & Disorder:

Club constitution includes rules governing the conduct of members and their guests within and adjacent to the club premises .

Admission to the club is confined to members and Bona Fide guests.

The club employs full time door persons.

Club employees are instructed not to serve members and guests who behave in a drunk or disorderly fashion.

Misconduct is reported to the committee to consider action under the Club's disciplinary code

Public Safety:

Club complies with Health and Safety and Fire Precaution regs.

Risk assessments and control procedures.

Capacity limits.

Fire and safety notices.

The Prevention of Public Nuisance:

When live or recorded music is played all reasonable steps taken to avoid disturbance to neighbouring properties.

The Protection of Children from Harm:

Under 18/under 16 accompanied.

Door control.

Adequate numbers of adults when children present.

Limitations to certain rooms at certain times.

3.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 4

Interested Parties Representations

No representations

3.7 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.*

3.8 Officer's Report

Submissions from the police indicate that an extension of operating hours will input on crime and disorder objective. Members will need to be satisfied that the likelihood of crime and disorder has been established in respect of this premises, before restricting operating hours.

3.9 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 Principal Officer Licensing

Tel 01639 686326 e-mail j.sullivan@npt.gov.uk

Ward Affected

Neath North