

LICENSING (2003 ACT) SUB COMMITTEE

13th September 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-130905-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Club Licence Applications		
Ref.No.: 002092 Premises Name: Brynamman Industrial Club Premises Address: 11 Amman Road, Lower Brynamman, Ammanford, Dyfed, SA18 1SW	3 - 7	Lower Brynamman

Report Item	Page Nos	Wards Affected
<p>2. Licensing Act 2003 Premises Licence Applications</p>		
<p>Ref.No.: 001996 Premises Name: The Tunnel Tavern Premises Address: 1 Commercial Street, Neath, West Glamorgan, SA11 1SB</p>	<p>8 - 16</p>	<p>Neath North</p>

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 Dancing:
Times as above.

Facility like Music/Dance:
Times as above.

The applicant also seeks to remove the 20 minute drinking time.

1.4 Background Information

Brynamman Industrial club is situated on the main road in the county of West Glamorgan and 100 yards from the county of Carmarthenshire and 80 yards from any residential property. The premises comprise ground floor entrance hall, bar, lounge, games room and concert hall, lower ground floor billiard room cask and bottle stores room and offices.

1.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

To ensure that the four licensing objectives are achieved the club will require the cooperation and acceptance of responsibility of the committee and its employees in addition.

The committee shall ensure that satisfactory arrangements are in place for effective communications for employee's customers and guest's contractors and where required members of the public. The committee will take all practical measures to prevent the risk of injury.

The Prevention of Crime & Disorder:

Disciplinary procedure/admission of member's procedure.

Door control.

Staff instructed not to serve disorderly people.

Public Safety:

Club complies with H & S and fire precaution regs risk assessments and control procedures.

Capacity limits.

Fire and safety notices.

The Prevention of Public Nuisance:

Signs placed at exits.

Respect for residents members to leave quietly.

Responsible steps taken to avoid disturbing neighbouring areas when music is played.

The Protection of Children from Harm:

Under 18's/under 16's accompanied.

Door control.

Must have proof of age.

Adequate numbers of adults when children are present.

Limitations to certain rooms at certain times.

1.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1

Environmental Health

See Appendix 2

Interested Parties Representations

No representations

1.7 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.*

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.

1.8 Officer's Report

The representations relate solely to late night provision of music at the premises. The issue can be resolved by restrictions of hours or attachment of conditions. However the final decision will depend on the representations made and the applicant's submission.

1.9 Recommendation

That members determine the applicant 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 email j.sullivan@npt.gov.uk

Wards affected

Lower Brynamman

1.2. Licence Application for Transitional Premises Licence

Ref.No.: 001996 Wards Neath North
Affected:

Premises Name: The Tunnel Tavern
Premises Address: 1 Commercial Street, Neath, West Glamorgan, SA11 1SB

Applicant Name: Mrs Michelle Louise Merrett & Mr Paul Guy Millington
Applicant Address: The Tunnel Tavern, 1 Commercial Street, Neath, West Glamorgan, SA11 1S

DPS Name: Mrs Michelle Louise Merrett
DPS Address: The Tunnel Tavern, 1 Commercial Street, Neath, West Glamorgan, SA11 1S

Application Date: 18/07/2005

2.2 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 new licence. The relevant licensable activities are presently: -

The sale of alcohol	Monday to Saturday	10:00am - 23:00
	Sunday	Noon - 22:30
	(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 to Sunday	10:00 01:00

Opening Hours:	
Monday to Sunday	10:00 01:30

Films:	
Monday to Sunday	10:00 23:00

Live Music:
times as above
Non Standard Timmings
Christmas Eve and Bank Holidays until 01.00hrs

Recorded Music:
Times as above
Non Standard Timmings
Times as above

Performance of Dance:
Times as above
Non Standard Timmings
Times as above

Activity like Music/Dance:
Times as above
Non Standard Timmings
Times as above

Facilities for Making Music:
Times as above
Non Standard Timmings
Times as above

Facilities for Dance:
Times as above
Non Standard Timmings
Times as above

Facility like Music/Dance:
Times as above
Non Standard Timmings
Times as above

Late Night Refreshment:
Monday to Sunday 23:00 01:30

2.4 Background Information
One large room with one bar.

Seating capacity throughout for approximately 80 people.

Public house recently refurbished.

Access to rear patio area and male and female toilets.

2.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The prevention of crime and disorder.

Public Safety.

Prevention of public nuisance.

Protection of children from harm.

The Prevention of Crime & Disorder:

A manager always on premises staff are fully trained and supervised.

Gaming machines in view of bar.

Enough staff to cope with customer demand.

CCTV installed inside and outside.

Members of Pubwatch.

Proof of age required.

Glassware not to be taken from property, toughened Glassware used.

Refusal of over - intoxicated patrons.

Police contacted for any drug suspicion and/or use underage and anti drugs signage prominent.

Public Safety:

No over crowding.

Fire exits kept clear at all times.

Staff training for public evacuation including disabled.

All equipment regularly tested and logs kept.

CCTV installed throughout.

Toughened glasses provided.

The Prevention of Public Nuisance:

Windows and doors closed to protect noise for local vicinity.

Ensure taxis etc are asked not to use horns.

Ensure outside lighting is discreet.

Refuse is stored in bins/containers.

Deliveries asked to be made at a reasonable time.

Staff to leave quietly. Ensure patrons leave in an orderly manner.

The Protection of Children from Harm:

Ensure staffs are fully aware of all age restrictions staff aware not to sell alcohol or tobacco to minors.

Children must be accompanied by a responsible adult if films are shown must be to a suitable age range to suit film

Request proof of age if in any doubt.

Child restrictions signs shown.

Children only allowed in bar until 21:00 hours.

2.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 3

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

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.*
- 6.7 *The Council will also take account of relevant strategies, and action plans as appropriate. These may include:*
- (a) The Neath Port Talbot Community Plan / Community Safety Strategy.*
 - (b) Safer Clubbing*
 - (c) Best Practice on Test Purchasing with a view to specifying conditions and or making requirements for premises.*
 - (d) National alcohol harm reduction strategy*
 - (e) Voluntary codes of practice relating to drinks promotion, drugs etc.*
- Applicants will need therefore to have given consideration to these matters in their operating schedule dependent on the style and characteristics of the premises/events.*
- 6.8 *The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder, both inside and immediately outside the premises. These will include conditions drawn from the model pool of conditions relating to Crime and Disorder at Appendix 1 and any other conditions it considers appropriate.*
- 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.

7.0 Public Safety

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.

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.*
- 7.42 *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.*

2.8 Officer's Report

The police express concerns regarding crime and disorder which it is suggested will be compromised in view of the hours sought and the location of the premises.

Representations also refer to the potential noise nuisance and relevant conditions are proposed. Conditions are also suggested relating to CCTV, occupant capacity and provision of door supervisors. Members should consider whether restrictions on operating hours are necessary in view of the location of the premises, and or conditions to mitigate nuisance problems.

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 email j.sullivan@npt.gov.uk

Wards Affected

Neath North