

**LICENSING (2003 ACT) SUB COMMITTEE**

**14th December 2005**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

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### **1.1. Application for Variation of Transitional Premises Licence**

Ref.No.: 002302 Wards Neath North  
Affected:  
Premises Name: The Duke Of Wellington  
Premises Address: 8 Old Market Street, Neath, West Glamorgan, SA11 3NA  
Applicant Name: Mr Antonio Di Muzio  
Applicant Address: The Duke of Wellington, 8 Old Market Street, Neath, SA11 3NA  
DPS Name: Mr Antonio Di Muzio  
DPS Address: The Duke of Wellington, 8 Old Market Street, Neath, SA11 3NA  
Application Date: 05/08/2005

### **1.2. Existing Licence**

The premises has converted their original licences and the relevant licensable activities are presently:-

The Sale of Alcohol	Monday to Saturday	10.00 – 23.00
	Sunday	Noon – 22.30
	(on and off premises)	

Public Entertainment Monday to Saturday 11.00 – 23.00

Maximum Permitted Numbers - Ground Floor 110

The above are subject to the provisions and restrictions of the Licensing Act 1964, the local Government (Miscellaneous Provisions) Act 1982 and the standard licensing conditions for places of public entertainment.

### **1.3. Variation Application**

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

Supply of Alcohol:	
Monday - Sunday	10:00 - 04:00

Opening Hours:  
Monday - Sunday 10:00 - 04:00

Live Music:  
Monday - Sunday 10:00 - 04:00  
Recorded Music:  
As above

Facilities for Making Music:  
As above

Practice sessions

Late Night Refreshment:  
Monday - Sunday 23:00 - 04:00  
Non-standard Timings:  
Until 00:00 (midnight) outside in beer garden.  
Until 04:00 inside premises.

Restrictions requested to be lifted:  
The applicant is also seeking to remove all restrictions whether express or inherent.

#### **1.4. Background Information**

Provided by applicant:

Public House, 8 Old Market Street, Neath.  
Including beer garden.

#### **1.5. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - All Four Licensing Objectives:

The existing licence is subject to standard terms conditions.

The Prevention of Crime & Disorder:

All staff are trained to recognize and deal with suspected illegal activities and in particular drug use.

Public Safety:

The premises has numerous fire extinguishers and blankets which are serviced regularly under contract.

The Prevention of Public Nuisance:

Sound amplification is reduced after 23.00 and all staff trained to ensure public vacates the premises peacefully and respectfully.

The Protection of Children from Harm

If there is any suspicion as to a persons age, ID is requested and if not provided or insufficient service is refused.

**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*

**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 minimizing 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 State's Guidance

**Prevention of 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.*

## **1.8. Officer's Report**

The police make representations with regard to the crime and disorder objective in view of the existing situation in Neath town centre.

Concerns are also expressed relating to public safety and the prevention of public nuisance. Recommendations are made to deal with some of the issues raised.

The environmental health officer raises concerns with the proposal to provide music until 4.00am, and suggests restrictions on operating hours and conditions to deal with the issue. Residents representations refer to noise, social disturbance and anti-social behaviour.

## **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 email j.sullivan@npt.gov.uk

### **Wards Affected**

Neath North.

### **1.10. Application to Vary Premises Licence**

Ref.No.: 002827                      Wards                      Coedffranc  
Affected:                      Central

Premises                      The Crown Inn  
Name:

Premises                      216 New Road, Skewen, Neath, SA10 6UU  
Address:

Applicant                      S A Brain & Co Ltd  
Name:

Applicant                      The Cardiff Brewery, Crawshay Street, Cardiff, CF10  
Address:                      1SP

DPS Name:

DPS Address:

Application                      19/10/2005  
Date:

### **1.11. Existing Licence**

The premises are currently licensed as follows:-

Supply of Alcohol:

Monday to Saturday	10.00 - 23.00
Sunday	12.00 - 22.30

Non-standard Timings:

Good Friday	12.00 - 22.30
Christmas Day	12.00 - 15.00 19.00 - 22.30

### **1.12. Variation Application**

The applicant seeks to vary the licence as follows:-

Supply of Alcohol:

Monday to Thursday	10.00 - 00.00
Friday to Saturday	10.00 - 01.00
Sunday	11.00 - 23.30

Non-standard Timings:  
A further additional hour into the morning following every Thursday until 01.00 Friday, Saturday until 02.00 Sunday until 00.30 and Monday until 01.00 for the Easter Bank Holiday weekend.

A further additional hour into the morning following every Friday,

Saturday until 02.00 Sunday until 00.30 and Monday 01.00 for each May, Whitsun and August Bank Holiday.

A further additional hour into the morning following every Christmas Eve (24/12), Boxing Day (26/12) and New Years Day (01/01).

A further additional hour into the morning following every St David's Day (1/3), and St Patrick's Day (17/03).

Major International Sporting Events - The option to open 30 Minutes before to 30 Minutes after, inclusive, any major international sporting event that is televised and held in a country or countries operating on different time zone to that of the U K Co joining the hours should they meet or over lap.

New Years Eve/Day hours to remain.

Opening Hours - Standard Timings:

Monday to Thursday	10.00 - 00.30
Friday to Saturday	10.00 - 01.30
Sunday	11.00 - 00.00

Non-standard Timings:

Times as Supply of Alcohol

Live Music:

Times as Supply of Alcohol

Non-standard Timings:

Times as Supply of Alcohol

Recorded Music:

Times as Supply of Alcohol

Non-standard Timings:

Times as Supply of Alcohol

Facility like Music/Dance:

Times as Supply of Alcohol

Non-standard Timings:

Times as Supply of Alcohol



### **1.13. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

#### **General - All Four Licensing Objectives:**

- 1) Thirty minutes drinking up time will allow appropriate dispersal of customers and use of toilets at closing time.
- 2) The landlord has been in the licensed trade for thirty years and is BII trained and ensures staff are trained to that standard.

#### **The Prevention of Crime & Disorder:**

- 1) Illumination is provided to the external areas.
- 2) Main trading areas are visible to the staff from behind the bar servery.
- 3) The licensee and staff monitor customer behaviour.
- 4) The licensee and staff regularly remove empty glasses and check toilets.
- 5) I.D. is always asked for when in doubt.
- 6) Open bottles or glasses are not allowed off the premises.
- 7) Zero tolerance to anti-social behaviour, drunken, quarrelsome and violent persons.

#### **Public Safety:**

- 1) Premises are equipped with emergency lighting, illuminated exits which are clearly signed.
- 2) All fire equipment is serviced annually through a contract with Chubb PLC.
- 3) All electrical appliances are tested annually.
- 4) Current electrical and gas certificates in place.
- 5) First aid facilities on site.
- 6) An accident/incident book is on site.
- 7) Disabled people are welcomed and assistance is always available.

#### **The Prevention of Public Nuisance:**

- 1) Zero tolerance to anti-social behaviour.
- 2) Licensee and or staff see customers off the premises.
- 3) Customers are asked to leave quietly and respect the neighbours.
- 4) When required staff will organise taxis to transport customers home.

#### **The Protection of Children From Harm:**

- 1) Unaccompanied children are not allowed on the premises.

- 2) Accompanied children are allowed in the non-smoking areas and the beer garden.
- 3) AWP is positioned in sight of bar servery and bar area.
- 4) Proof of age cards or other I.D. must be provided.
- 5) Licensee and staff regularly walk the premises to ensure compliance.

#### **1.14. Relevant Representations:**

##### **Responsible Authorities Representations**

###### Police

See Appendix 4

###### Environmental Health

See Appendix 5

##### **Interested Parties Representations**

See Appendix 6

#### **1.15. Policy Considerations**

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

##### *Statement of Licensing Policy*

###### ***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.*

### Secretary of State's Guidance

#### **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.*

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## **1.16. Officer's Report**

The representations from all parties relate mainly to the prevention of public nuisance. Various requirements/recommendations are made by the responsible authorities to address some of these issues. Residents also refer to issues of crime and disorder linked directly to the premises.

## **1.16. 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**  
Coedffranc Central