

**LICENSING (2003 ACT) SUB COMMITTEE**

**15<sup>th</sup> 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- 150905-REP-FS-CJ**

<b>SECTION A – MATTERS FOR DECISION</b>		
<b>Report Item</b>	<b>Page Nos</b>	<b>Wards Affected</b>
<b>1. Licensing Act 2003 Premises Licence Applications</b>		
Ref.No.: 002094 Premises Name: The Angel Premises Address: Pontneathvaughan Road, Glynneath, Neath, SA11 5NR	<b>2 - 6</b>	Glynneath
Ref.No.: 002117 Premises Name: Lamb And Flag Premises Address: Wellfield Place, Glynneath, Neath, SA11 5EP	<b>7 - 11</b>	Glynneath

### 1.1 Licence Application for Transitional Premises Licence With Variation

Ref.No.: 002094 Wards Glynneath  
Affected:  
Premises Name: The Angel  
Premises Address: Pontneathvaughan Road, Glynneath, Neath, SA11 5NR  
Applicant Name: Ms Susan Evans  
Applicant Address: The Angel, Pontneathvaughan Road, Glynneath, Neath, SA11 5NR  
DPS Name: Ms Susan Evans  
DPS Address: The Angel, Pontneathvaughan Road, Glynneath, Neath, SA11 5NR  
Application Date: 21/07/2005

### 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	10:00am - 23:00
	Sunday	Noon - 22:30

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

### 1.3 Variation Application

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

Supply of Alcohol:

Monday to Saturday	11.00 - 00.30
Sunday	11.00 - 23.30

Non-standard Timings:

Outside drinking hours to be the same

Opening Hours:

Monday to Saturday	10.00 - 01.00
Sunday	10.00 - 00.00

Recorded Music:

Monday to Saturday	11.30 - 00.00
Sunday	12.00 - 23.00

#### **1.4 Background Information**

A one level restaurant.

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

The following information has been provided by the applicant:

##### The Prevention Of Crime & Disorder:

To ensure that all staff are vigilant to prevent the use of illegal drugs.

To ensure that staffing levels are adequate to maintain a safe environment.

To ensure that all staff are trained.

To ensure that all times there will be an effective and responsible manager on duty on the premises when its open for licensable activities.

##### Public Safety:

To ensure that the premises does not become overcrowded.

To ensure that means of escape in the event of fire or other emergency are always kept clear.

To ensure that disabled or/and infirm are able to evacuate the premises.

To ensure that all staff are informed about the safe evacuation procedures.

##### The Prevention Of Public Nuisance:

To ensure that refuse is stored and disposed of appropriately.

To ensure that staff are made aware of the steps that are to be taken should there be any disorderly conduct on the premises e.g. to ask disorderly person to leave but to alert the relevant authorities at the same time.

To be mindful of those who live and work in the vicinity.

When disposing of empty bottles or when deliveries arrive.

The Protection Of Children From Harm:

To ensure that staff are aware that it is prohibited to sell alcohol to children.

To ensure that staff are aware that it is prohibited to sell tobaccos to children.

To ensure that any child on the premises is accompanied by a responsible adult.

**1.6 Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 1

**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 State's 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.*
- 7.42 *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 prevention of public nuisance forms the basis of the police representations. It is suggested that nuisance is likely to arise from music and sound disturbance.

The matters can be addressed by the restriction of hours and or imposition of condition, dependent on the representations made and the submissions of the applicant.

## **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**

Glynneath

## **2.1 Licence Application for Transitional Premises Licence with variation**

Ref.No.: 002117 Wards Glynneath  
Affected:  
Premises Name: Lamb And Flag  
Premises Address: Wellfield Place, Glynneath, Neath, SA11 5EP  
Applicant Name: Mr Christopher Peter Rashbrook  
Applicant Address: Lamb & Flag Hotel, Wellfield Place, Glynneath, Neath  
DPS Name: Mr Christopher Peter Rashbrook  
DPS Address: Lamb & Flag Hotel, Wellfield Place, Glynneath, Neath  
Application Date: 21/07/2005

## **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 the new licence.

The sale of alcohol	Monday to Saturday	10:00am -	11:00
	Sunday	Noon -	22:30

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 - Thursday	11.00 - 00.00
Friday & Saturday	11.00 - 01.00
Sunday	12.00 - 23.00

### Non-standard Timings:

Outside drinking to be the same hours as inside.

Opening Hours:	
Monday - Sunday	10.00 - 02.00

Live Music:	
Friday	21.00 - 23.00

Recorded Music:	
Monday - Friday	11.00 - 00.00
Saturday	11.00 - 01.00
Sunday	12.00 - 23.00

Facilities for Dancing:	
Friday	21.00 - 23.00

## **2.4 Background Information**

A hotel with an upper level for eating and drinking.

## **2.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

To ensure that there will be an effective and responsible manager on duty on the premises when it is open for licensable activities.

The Prevention of Crime & Disorder:

To ensure that all staff are properly trained.

To ensure that staffing levels are adequate to maintain a safe environment.

To ensure that all staff are aware that those who are heavily intoxicated or disorderly are to be managed in such a way that they will not be a harm to staff, patrons or themselves.

To ensure that all members of staff are vigilant to prevent the use or supply of illegal drugs.

Public Safety:

To ensure that the premises does not become overcrowded.

To ensure that means of escape in the event of fire or other emergency are always kept clear.

To ensure that all staff are informed about safe evacuation procedures.

To ensure that all appliances and systems pertinent to safety are tested on a regular basis and that a written record of the tests are kept and will be available to all relevant authorities.



The Prevention of Public Nuisance:

To ensure that staff are made aware of the steps that are to be taken should there be any disorderly conduct on the premises.

To ensure that any refuse is stored and disposed of appropriately to be mindful of those who live and work in the vicinity when disposing of empty bottles or when deliveries are being made.

The Protection of Children from Harm:

To ensure that staff are aware that it is prohibited to sell alcohol to children.

To ensure that staff are aware that it is prohibited to sell tobaccos to children.

To request proof of age where there is any doubt as to the age of anyone at the premises.

**2.6 Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 2

Environmental Health

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*

**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 State's 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.*
- 7.42 *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 representations relate mainly the prevention of public nuisance, although the police express concerns at the proposed "wind down" period of two hours.

The police and environmental health officer suggest restrictions and conditions with a view to preventing noise and social disturbances. Members may wish to consider these following all submissions.

## **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**

Glynneath