

**LICENSING (2003 ACT) SUB COMMITTEE**

**16<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-160905-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.: 002125 Premises Name: Market Tavern Premises Address: Market Tavern, Charlesville Place, Neath, W Glam, SA11 1PY	<b>2 - 9</b>	Neath North



Films:  
Monday - Wednesday 11.00 - 00.00  
Thursday - Saturday 11.00 - 02.00  
Sunday 11.00 - 00.00

Indoor Sporting Events:  
Times as above.

Live Music:  
Thursday - Saturday 22.00 - 01.00

Recorded Music:  
Monday - Wednesday 11.00 - 00.00  
Thursday - Saturday 11.00 - 02.00  
Sunday 11.00 - 00.00

Performance of Dance:  
Times as above.

Activity like Music/Dance:  
Times as above.

Facilities for Making Music:  
Times as above.

Seasonal Variations:

No limitation of hours on New Year's Eve and New Year's Day.

Facilities for Dancing:  
Monday - Wednesday 19.00 - 00.00  
Thursday - Saturday 19.00 - 02.00  
Sunday 19.00 - 00.00

Seasonal Variations:

No limitation of hours on New Year's Eve and New Year's Day.

Late Night Refreshment:  
Monday - Wednesday 23.00 - 00.00  
Thursday - Saturday 23.00 - 02.00  
Sunday 23.00 - 00.00

Restrictions requested to be lifted:

Remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933.

#### **1.4 Background Information**

Town centre Public House close to rail and bus stations. There are nearby licensed premises. Facilities for outside drinking.

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

The following information has been provided by the applicant:

##### General - all four licensing objectives:

The types of regulated entertainments proposed will enhance the local facilities for social entertainment and reduce the focus on alcohol.

Staff will be trained on the requirements of the Licensing Act 2003 when they are recruited and given training in "drugs awareness" as part of their induction.

New steps have been identified by my risk assessment in relation to the four licensing objectives, except as below have considered the terms of your local licensing policy in preparing this application.

The prevention of crime & disorder:

SIA - registered door control will be provided.

New staff will be trained in drugs awareness at their following recruitment.

##### Public Safety:

On certain occasions my risk assessment indicates a risk of crowding, and those occasions the DPS will agree in advance with the Police the most effective means for control of numbers and behaviour, depending on the circumstances.

"Safer clubbing" guidance will be followed during the door-controlled hours as above.

##### The Prevention of Public Nuisance:

Recorded music volume will be reduced to background level during the wind down period to create a mood change.

A notice will be placed prominently at the exits asking customers to leave quietly.

Kitchen extract filters will be cleaned at least once a week to minimise the impact of cooking smells on neighbours.

The Protection of Children from Harm:

Photographic proof of age will be required to be shown by anyone seeking to purchase alcohol who appears to be under 20 years of age.

**1.5 Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 1

Fire

See Appendix 2

Environmental Health

See Appendix 3

Child Protection Officer

See Appendix 4

**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*

**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.*

## **7.0 Public Safety**

7.3 *The Council requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and characteristics of the premises and events. Matters which should be considered by the applicant include:*

- The occupancy capacity of the premises*

- The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.*
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature*
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)*
- Customer profile (e.g. age, disability)*
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.*

## **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.*

## **9.0 Protection of Children From Harm**

- 9.1 *The protection of children from harm includes protecting them from moral, psychological and physical harm. In relation to the exhibition of films, videos etc, this includes their protection from exposure to strong language and sexual expletives and behavior.*

### *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**

Representations are made in respect of all the licensing Objectives. The police identify specific concerns relating to drinking externally by patrons. They also seek conditions relating to CCTV, door supervisors, the use of plastic glasses, and an occupant capacity.

The fire officer states that there is inadequate information provided.

The environmental health officer proposes restrictions and conditions to minimise noise, and the child protection officer expresses concern at the application to remove embedded restrictions.



**1.9 Recommendation**

That members determine the application after taking into account the representations received.

**List of background Papers**

Application for premises Licence

**Office Contact**

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**Wards Affected**

Neath North