

LICENSING & GAMBLING ACTS SUB COMMITTEE

17TH JULY 2007

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE LICENSING MANAGER
– J. M. SULLIVAN**

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-170707-REP-FS-JS

SECTION A – MATTERS FOR DECISION		
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1 Licensing Act 2003 Applications		
Ref.No.: 006193 Description: Premises Licence Name: The Exeter Inn Address: 52 Briton Ferry Road, Neath, SA11 1AP	2-7	Neath East

Recorded Music:

Monday to Saturday 12.00 - 24.00
Sunday 11.00 - 23.00

Facilities for Making Music:

Friday & Saturday 21.00 - 24.00

Non-standard Timings:

Bank Holidays 21.00 - 01.00
New Year's Eve 21.00 - 01.00
New Year's Day 21.00 - 01.00
Christmas Day 21.00 - 01.00

1.3 Background Information

A public house consisting of a bar, lounge, pool room, function room and rear garden in which is located a smoking shelter.

1.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

Participation in pub watch.
Control to prevent supply of illegal drugs.
Posters on drug awareness.
Staff awareness of asking for proof of age.
Management policy in relation to drunk or disorderly conduct.

Public Safety:

Capacity of the premises.
Fire signs and emergency exits.
Regular checks on fire equipment and first aid.

The Prevention of Public Nuisance:

Windows and doors kept shut when loud music being played.
Taxi drivers told to knock door or phone rather than blow horn.
Rubbish cleared away.
No consumption of alcohol in beer garden after 22.00, however, beer garden remains open for smokers until close of premises.

The Protection of Children from Harm:

Children not allowed in pub after 20.00.
All children must have an adult with them.

1.5 Relevant Representations:

Responsible Authorities Representations

Environmental Health
See Appendix 1

Interested Parties Representations

None

1.6 Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

8.1 *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.*

Secretary of State's Guidance

7.39 *The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

7.40 *Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning for the Act's purposes. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.*

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.*

1.7 Officer's Report

The applicant has applied for a new premises licence in order to include an adjoining property into the existing premises.

The Environmental Health representation relate to the potential for public nuisance to adjoining residential premises, and seeks to ensure that the party wall is adequately sound proofed and also that a condition be added that all entertainment noise shall be inaudible inside any noise sensitive property.

1.8 Recommendation

That members determine the application after taking into account the representation made.

List of Background Papers

Application for Premises Licence

Officer Contact

J Sullivan Licensing Manager

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email j.sullivan@npt.gov.uk

Wards Affected

Neath East

Appendix 1

6193.



Neath Port Talbot
Castell-nedd Port Talbot

County Borough Council Cyngor Bwrdeistref Sirol

Making a difference Gwahaniaeth er gwell

Tony John

01639 686360

06/06/2007

TJ/126720

From **Oddi wrth**

Tel **Ffôn**

Date **Dyddiad**

Your Ref **Eich Cyf**

Our Ref **Ein Cyf**

Memorandum Memorandwm

To At

TO: Licensing Section FAO Jim Sullivan

**SUBJECT: Licensing Application received for a Premise Licence at The Exeter Inn,
Briton Ferry Road, Neath.**

I have the following comments to make relating to the application listed –

1. In order to minimise disturbance by way of entertainment noise to neighbouring properties I recommend that a condition be applied to any licence that all entertainment noise shall be inaudible inside any noise sensitive property.
2. It is noted that the existing public house is being extended into the adjoining premise and the applicant should be advised to ensure that the party wall with the next door property is adequately sound proofed to be able to comply with the above recommended condition.

Tony John