

LICENSING (2003 ACT) SUB COMMITTEE

17th August 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-170805 -REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1.Licensing Act 2003 Club Premises Certificate Applications		
Ref.No.: 001725 Premises Name: Glynorrwg RFC Premises Address: Ynyscorrwg Park, Park Street, Glynorrwg, Port Talbot, SA13 3DS	2 - 9	Glynorrwg

Plays:

Monday to Sunday 08.00 - 02.00

Non-standard Timings:

For New Year's Eve the Club may provide this facility until the start of permitted hours on New Year's Day, in line until the start of permitted hours on New Year's Day, in line with the current de-regulation.

On Monday, Thursday and Good Friday, plays will be permitted until 2am the following morning as per normal Thursday's and Friday's. For Christmas Day opening hours will be 10am to 1am the following day.

Films:

Times as above

Non-standard Timings:

As above

Indoor Sports:

Times as above

Non-standard Timings:

As above

Live Music:

Times as above

Non-standard Timings:

As above

Recorded Music:

Times as above

Non-standard Timings:

As above

Performance of Dance:

Times as above

Non-standard Timings:

As above

Activity like Music/Dance:

Times as above

Non-standard Timings:

As above

Facilities for Dance:

Times as above

Non-standard Timings:
As above

1.4 Background Information

The Premises are a single storey detached building consisting of two main internal areas - the main bar and the hall with stage. There is access from the main bar to an external beer garden.

1.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General – all four licensing objectives

Any Person whose behaviour falls below expected standard will be dealt with by the committee.

Staff to be trained as to their responsibilities under Licensing Act 2003 especially under age sales, sales to intoxicated persons.

Irresponsible sales promotions e.g two for one, or drink all you can for x pounds will not be undertaken.

The premises will be open for 30 minutes after the last sale of alcohol.

After the permitted hours for the sale of alcohol. No alcohol to be removed from premises. No off sales permitted.

The Prevention Of Crime & Disorder:

Premises only to be used by members and bona fide guests.

Premises to be supervised by bar staff and committee members.

Disciplinary policy in place.

Any illegal activity reported to police.

Committee person to be on duty whenever licensible activities are undertaken.

Gaming machines located where they can be supervised by staff.

Proof of age required in respect of persons appearing to be under 18

years who attempts to buy or consume alcohol.

Regular glass and bottle collection.

Right to search any member as condition of entry.

Public safety:

Premises will comply with requirements of fire authority Re procedure and equipment.

Emergency exits to be maintained and kept clear.

Safety equipment to be regularly tested and log maintained of inspection.

Patrons mainly of older age group.

Regular risk assessment Re safety issues.

Staff instructed on safety and evacuation Procedures.

Staff to supervise evacuation.

Plastic drinking vessels to be used in outside drinking areas.

The Prevention Of Public Nuisance:

Doors and windows to be kept closed during musical entertainment.

Members and guests to be reminded to be respectful of neighbours whilst leaving the premises.

Bottling up and waste disposal to be emptied out the following day.

Persons behaving unacceptably will be required to leave.

No glass vessels to be removed from premises.

Off sales to be in closed containers.

Premises to close 30 mins after last licensable activity.

The Protection Of Children From Harm:

Children under 14 years must be accompanied by a responsible adult.

Non alcoholic drinks available for young persons.

Access to films or other entertainment in accordance with any age restriction on the film or entertainment.

Proof of age required by photographic passport, driver licence, or similar.

1.6 Relevant Representations:

Responsible Authorities Representations

Environmental Health Officer

1. The applicant requires both recorded and live music every day between 08:00 and 02:00. Bearing in mind that there are properties at the rear of the premises that overlook the club I recommend that amplified music shall cease at 23:00 unless the applicant can demonstrate by way of an acoustic engineer's report that The Institute of Acoustics Guidance on The Control of Noise from Pubs and Clubs can be complied with.
2. I also consider 08:00 too early for amplified music and would suggest that recorded music should start at 10:00 and amplified live music at 12:00.
3. As a condition music is only to be played within the main premises.

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

8.1 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.*

Secretary of State's Guidance

The following sections are considered relevant to the application:-

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 representations in respect of this premise relate solely to the prevention of public nuisance. The Environmental Health Officer has made specific recommendations with a view, to preventing nuisance arising.

Members must determine whether these are appropriate after hearing the applicants submission.

1.9 Recommendation

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

List of Background papers

Application for Club Premises Certificate

Officer Contact

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Wards Affected
Glyncorrwg