

**LICENSING (2003 ACT) SUB COMMITTEE**

**18<sup>th</sup> July 2005**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

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## **SECTION A – MATTERS FOR DECISION**

### **1.1 Licensing Act 2003 Premise Licence Applications**

#### **Licence Application for Conversion and Variation**

Ref.No.: 001631 Wards Pontardawe  
Affected:

Premises Name: Kitty O'Sheas  
Premises Address: 6 James Street, Pontardawe, Swansea, SA8 4LR

Applicant Name: Mr Peter Rees  
Applicant Address: 6 James Street, Pontardawe, Swansea, SA8 4LR

DPS Name: Mrs Eileen Rees  
DPS Address: Kitty O'Sheas, 6 James Street, Pontardawe, Swansea, SA8 4LR

Application Date: 25/05/2005

#### **1.2 Conversion Application**

The premises have traded as a Public House for many years, and are entitled to a Premise Licence in respect of the existing licences and conditions.

The relevant licensable activities are presently:-

The Sale of alcohol Monday to Saturday 10.00am – 11.00pm  
Sunday Noon – 10.30pm  
(on and off premises)

The provision of public music and dancing Thursday – Saturday 8.00pm - Midnight  
Sunday 8.00pm – 10.30pm

The above are subject to the provisions and restrictions of the Licensing Act 1964 and specific and standard licensing conditions for places of public entertainment.

#### **1.3 Variation Application**

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

##### Supply of Alcohol

Monday to Sunday 16.00 - 02.00

Live Music

Monday to Sunday 20.00 - 02.30

Recorded Music

Monday to Sunday 20.00 - 02.30

Facilities for Making Music

Monday to Sunday 20.00 - 02.30

Facilities for Dance

Monday to Sunday 20.00 - 02.30

Hours Premises Are Open To The Public

Monday to Wednesday 16.00 – 02.30

Thursday to Sunday Noon – 02.30

The application also seeks to remove all conditions in force by the public entertainment licence.

**1.4 Background Information**

The premises are located in the town centre at Pontardawe. They are bounded by a mix of commercial and residential properties. Problems have been experienced in the past with amplified noise and social disturbance from the premises. Complaints Re noise were received in June 2005, prior to that the last complaint was received in September 2004.

**1.5 Promotion Of Licensing Objectives**

The following information has been provided by the applicant:-

The Prevention Of Crime & Disorder

CCTV covering beer garden, entrances and bar area. Monitored from bar area. Tapes available to police.

Public Safety:

Plastic glasses only in beer garden

No bottles allowed

Proposed change to all plastic glasses

Regular inspection of toilets and outside areas

Regular removal of bottles and glasses from beer garden

Weekly testing of fire alarm

Staff fire safety drill

Fire record book kept up to date

The Prevention Of Public Nuisance:

Noise limiter in use

Emergency doors alarmed

Signage on doors advising they must not be opened whilst music is being played

Acoustic report obtained

All windows kept closed

Direct free phone to Taxis

Taxi driver requested to go into premises and not sounding horns

Customers reminded by applicant and D.J. to leave premises quietly to prevent disturbance to neighbours

Signs displayed "There is CCTV coverage" outside building

The Protection Of Children From Harm:

No children allowed on premises at anytime.

## **1.6 Relevant Representations**

### **Responsible Authorities**

#### **Police**

1. It is proposed to sell intoxicants until 2:00 a.m. with the premises remaining open to the public until 2:30 a.m. each day. This would be undesirable on the grounds that it would contradict the licensing objective regarding public nuisance. There are residential properties in close proximity to these premises, and they would be subject to social disturbance from these premises. The premises has a history of complaints against it from residents, in respect of late night noise from music and customers. The Sector Sergeant can give

evidence that these premises are not always run in a "fit and proper" fashion.

2. Page 10, paragraph c, refers to "pool games only". No other details are completed in this section. Is this activity required or not?
3. Page 11, requests amplified music / live bands be permitted until 2:30 a.m. each day. Given the history of complaints regarding noise / sound from these premises, and given the close proximity to residential property, this would appear to be inappropriate, and against the licensing objective of preventing public nuisance.
4. Page 12, paragraph f, recorded music, again requested until 2:30 a.m. each day. This would be inappropriate for the same reasons as at item 3. The application form also requests a seasonal variation for "all bank holidays". What is this variation? This has to be objected to on the grounds that insufficient detail has been submitted.
5. Page 14, paragraph i, provision of facilities for making music, until 2:30 a.m. each day. Inappropriate as at item 4, in respect of times, previous history, public nuisance and the seasonal variation for bank holidays.
6. Page 14, paragraph j, provision of facilities for dancing, inappropriate times requested for this activity, in the light of proximity of residents, and previous history at the premises, this may be contrary to public nuisance objectives. The variation for Christmas Eve until 3 a.m. is unsuitable for the same reasons, and the non-standard timings for all bank holidays is unspecific.
7. Page 16, paragraph m, supply of alcohol until 2:00 a.m. is inappropriate which contravenes the public nuisance objective, due to the social disturbance from the premises, and the close proximity of dwellings. Again, there have been complaints in respect of the conduct of the premises.  
Seasonal variation for Christmas Eve until 3 a.m. will also be inappropriate for the same reasons. Outside drinking until 11:30 p.m. will also be inappropriate given that the "beer garden" area is directly opposite a row of houses.
8. Page 17, paragraph o, times premises will be open to the public is requested until 2:30 a.m. each day, and with a variation until 3 a.m. on Christmas Eve. Inappropriate on the grounds of the objective of preventing public nuisance, due to the previous history of premises and due to the proximity of dwellings.

9. Page 18, paragraph Q, b, CCTV covering beer garden, this should be shown on the plan of the premises to show the extent or otherwise of the coverage.  
Tapes will be available for viewing by police, it is requested that tapes are kept for a 30 day period. No mention is made of licensed door supervisors being used to prevent crime and disorder. These premises are frequented by the younger age group and if the intention is to provide facilities until a later hour, the use of supervisors will be in line with other late night premises.
10. Page 18, paragraph Q, c, the intention to change to all plastic vessels in the future, this is not specific enough. Again, no mention is made of the role of door supervisors in support of this objective.
11. Page 18, paragraph Q, d, doors are not to be opened while music is being played, but the doors are the only means of getting from the premises building into the beer garden. This will be difficult to maintain, and will result in public nuisance especially to residents who face the doors in question.

#### Interested Parties Representations

1 Mr & Mrs P.S. & A Young  
2 Dynevor Terrace  
Pontardawe  
SA8 4HX

Following my telephone conversation of the 20th June 2005. Both I and my wife Mrs Ann Young formally object to the application made for the extension of hours for the sale of intoxicating liquor until 2am at The 'Old Vic' formerly named Kitty O'Sheas.

Our reasons are;

The probability of increased noise and nuisance from these frequenting the above premises and of leaving the same in the early hours of the morning, thus disturbing the residents who would be in bed long before closing time.

We as residents have constantly been disturbed by mindless persons leaving and also visiting the three licenced premises on our doorsteps by the increase in hours and if granted our lives would become

unbearable.

Hopefully the licencing committee will be sympathetic to our objections and decide sensibly to our objections as residents and refuse this application.

2 Mr & Mrs M.E. & Mr Thomas  
5 Dynevor Terrace  
Pontardawe  
SA8 4HX

I wish to object to any impending late night licensing hours which might be granted to The Old Victoria Pub and surrounding pubs (James Street).

The present hours are more than adequate with the music licence now at 12'oclock.

I hope you will give careful consideration to any such application.

3 Mr & Mrs G I & S Roberts  
6 Dynevor Terrace  
Pontardawe  
SA8 4HX

Re: Extension of hours - Licensing Act 2003

I wish to place on record my objection to any possible extension of hours granted to neighbouring public houses being The Castle, Dynevor Arms, but in particular The Old Vic (all of these pubs being well within the benchmark of 75 metres set by some local authorities).

I understand that the licensee of The Old Vic is applying for an extension of hours under the above Act until 2am with closing time scheduled for 2.30am, I also understand that there is a proposal for music to be played in the open area of yard until late.

The problems associated with The Old Vic (previously Kitty o'Sheas) are well documented ( the playing of loud music especially) both with the Authority and South Wales Police, this pub does not comply with the present laws and is highly unlikely to comply with new ones, the licensee has little regard for laws, something akin to What Law!

Were the application for extra hours be granted as per application, it would heap further misery on an already disillusioned community.

In conclusion I would appeal to the Authority to think of local residents just this once and make our lives a little more bearable under this new legislation.

4 Ms Doreen Harris  
8 Dynevor Terrace

Pontardawe  
SA8 4HX

With reference to the blanket applicant for all Public Houses in Pontardawe to increase their hours for drinks and music. I am surprised and very worried that this application has been snowballed through the system and I would like to know why the residents of Pontardawe have been left in the dark leaving us little opportunity to discuss this problem.

We who have lived in Dynevor Terrace for years have had to put up with noise, loud music, drunks, verbal abuse, filth, vomit, and our road treated like a toilet. I not only hear what goes on but I see what goes on. I have the right to expect to be safe in my house and on my street and if the powers to be pass this application they have no concern for the people of Pontardawe.

5 C. J & J.M. Davies  
Pear Tree Cottage  
Wesley Terrace  
Pontardawe  
SA8 4AD

Regarding the application of longer opening hours for 'The Old Vic' James Street, Pontardawe we as residents who have been affected by the late night loud music and disturbances would like to strongly object to any further extension of licensing hours.

6 J.A & P.M. Hyam  
5 Wesley Terrace  
Pontardawe  
SA8 4AD

We strenuously object to The Old Vic being open until 2am Monday to Sunday as the noise is horrendous at 10/11 o'clock.

7 Mrs Joanne Bromfield-Robertson  
Pleasant View  
Wesley Terrace  
Pontardawe  
SA8 4AD

With regards to the extended opening hours for the public house The Old Vic, James Street.

As a resident of Pontardawe and only living 500 yrds from the pub itself, I am writing to strenuously object to any further extension of



trading hours. I already feel that the opening times are too long already and at present am subjected together with my neighbours to dance music ect till midnight Thursday, Friday, Saturday and Sunday. Not to mention the awful noise of the karaoke nights on Sunday.

So, no thanks to the 2am extension, now or at any furture request. I've had enough already.

8 Mr N Coombs  
April Cottage  
7 Primrose Row  
Uplands  
Pontardawe  
SA8 4AF

I wish to object to any further late night drink and music licence being granted to The Old Vic Pub, James Street, Pontardawe. My reasons for objecting are noise, rowdiness and possible bad behaviour late at night. I hope this letter will have the desired effect on your decision.

### **1.7 Policy Considerations**

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

#### **Statement of Licensing Policy**

### **6.0 Crime & Disorder**

6.5 *Applicants will be required to consider measures to prevent crime and disorder The following are examples of control measures that may need to be addressed in the operating schedule, having regard to their particular type of premises and/or activities: -*

*(a) Effective and responsible management of premises*

*(b) Training and supervision of staff*

*(c) The internal layout and the location of various pieces of equipment within premises, including the position of cash registers, gaming machines etc.*

*(d) The provision location and suitability of any CCTV and the need for Police and local authority to have right of access to tapes.*

*(e) The use of plastic or toughened drinking vessels.*

*(f) The adequacy of staffing levels to maintain a safe environment.*

*(g) Management policy and action in relation to people who*

*become intoxicated or disorderly.*

*(h) Participation in Pub watch or other similar schemes.*

*(i) The controls in place to prevent the use or supply of illegal drugs, including entry policies and search procedures.*

*(j) The policy/procedure in respect of age verification and preventing sales of alcohol to under age people.*

*(k) Adoption of best practice guidance (e.g. safer clubbing, Security by design etc)*

*(l) The likelihood of disorder, if a licence is granted.*

*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 behavior, 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.*

*(iii) Glasses/Bottles*

*Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.*

*(iv) Drugs*

*Applicants are expected to be able to demonstrate that they can comply with Home Office Guidance “Safer Clubbing” and have an agreed protocol with the council and the police for dealing with illegal drugs found on their premises. Matters likely to be required may include: - condition of entry to all premises, drugs amnesty boxes, CCTV coverage, log of all seizures, stop and search policy, and the availability of free water.*

## **7.0 Public Safety**

*7.5 Certain types of premises, due to the nature of activities being provided, may give rise to a significant risk if occupancy numbers are not set. The council following representations will consider setting occupancy limits particularly in respect of the following types of premises:*

*(i) night clubs/public houses providing regulated entertainment*

*(ii) theatres*

*(iii) cinemas*

*(iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.*

*7.6 The council following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to minimise crime and disorder.*

## **8.0 Prevention Of Public Nuisance**

- 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 provisions of the Secretary of State's Guidance appear to be relevant to this application:-*

#### **Licensing hours**

- 3.29 *With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-*

*time economy. Providing consumers with greater choice and flexibility is an important consideration.*

*6.8 In relation to the prevention of public nuisance, in each individual case that arises following representations, the licensing authority should consider the potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises in order to examine the potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation. The licensing authority should consider restricting the hours of trading only where this is necessary because of the potential impact on the promotion of the licensing objectives from fixed and artificially-early closing times.*

*6.10 Licensing authorities should also not seek to engineer “staggered closing times” by setting quotas for particular closing times, for example, by allocating closing times of 11.00pm, 12 midnight, 1.00am, 2.00am, 3.00am etc. to specific premises. In the Government’s view, this would only serve to replace the current peaks of disorder and disturbance after 11.00pm and after 2.00am with a series of smaller peaks, minimising any potential improvement in the prevention of crime and disorder or public nuisance and would not be necessary to promote the licensing objectives. The general principle should be to support later opening so that customers leave for natural reasons slowly over a longer period. This prevents any artificial concentrations. At present, permitted hours for ordinary public houses are set at times that research evidence suggests are artificially early, causing a high proportion of customers to remain until the fixed closing time. The benefit of later closing times, even if many are similar, is that customers will leave for a variety of reasons at a variety of times. For example, if all the public houses in a single street could open until 3.00am, this would allow customers a far longer period than now to leave and disperse from that area.*

## **Crime & Disorder**

*7.25 Requirements for door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying firearms do not enter the premises, reducing the potential for crime and disorder, and that the police are informed of such instances where the knowledge about certain premises, its style or characteristics give rise to a need for such requirements.*

*7.26 Text and radio pagers enabling premises licence holders, designated premises supervisors and managers or premises and clubs to communicate instantly with the local police can provide for rapid response to situations of disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in the city and town centre leisure areas with a high density of licensed premises.*

## ***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 maybe 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 maybe 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 committee is required to determine this application after taking into consideration the need to promote the licensing objectives and also the guidance issued by the Secretary of State and the Neath Port Talbot Statement of Licensing Policy.

The following observations are made in respect of the representation received;

### **Prevention of Crime and Disorder**

#### **CCTV**

It is submitted that committee give consideration to specifying the requirements in accordance with the Statement of Licensing Policy

## Door Supervisors

The premises are considered to meet the criteria which require that door supervisors should be provided

## Prevention of Public Nuisance

### Noise and social disturbance

There are a significant number of residential properties in the vicinity of the premises and it is apparent that there has been disturbance to residents from amplified music, social disturbance and anti social behaviour. Consideration should be given as to whether additional noise conditions can resolve the issue or whether restrictions on hours are more appropriate.

## 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](mailto:j.sullivan@npt.gov.uk)

## Wards Affected

Pontardawe





## Regulated Entertainment

### Films

Monday to Sunday - 10.00 - 00.00

Christmas Eve - 10.00 – 01.00

### Late Night Refreshment

Monday to Sunday - 10.00 - 00.00

Christmas Eve - 10.00 – 01.00

### Hours Premise Open to Public

Monday to Sunday – 10.00 – 00.30

Christmas Eve - 10.00 – 01.30

## Present Conditions/Terms/Restrictions Requested To Be Removed

- 1) To remove any restrictions which are to be placed on the licence by virtue of schedule 8 paragraph 6(8) Licensing Act 2003, except for requirement to provide substantial refreshment for where premises currently benefit from Supper Hours Certificate.
  
- 2) The restrictions regarding drinking up times to be replaced with 30 minutes.

## **1.4 Background Information**

The premises are located adjacent to the Llandarcy Interchange of the M4. The area is predominantly commercial but with hotel accommodation being provided on the complex.

## **1.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

### The prevention of crime & disorder:

Company monitors the need for door supervisors and takes into account any advice from the police.

The manager is required to participate in any local Pub Watch Scheme.

Text and or radio pagers where already used will be used for any additional hours.

Toughened glass is currently in use and will continue to do so.

Existing CCTV system.

No promotions that encourage illegal, irresponsible or immoderate consumption.

Public safety:

Extensive policies and practices in place to meet Health and Safety Legislation.

Internal Health and Safety, due diligence and incident reporting in place and will continue during the additional hour.

The prevention of public nuisance:

Steps taken to recognise rights of local residents and to encourage customers to leave the premises quietly.

Managers required to liaise with local neighbours.

The protection of children from harm:

Commitment to Health and Safety in operation and maintenance of premises.

Manage risk of under-age drinking.

Manager and staff briefed on responsibilities in ensuring customers are over 18 years.

No adult entertainment permitted at the premises (nude and physical Nature).

Children under 16 years remain responsibility of accompanying adult.

Staff not permitted to be responsible for sole supervision of children.

## 1.6 **Relevant Representations**

### Responsible Authorities

Representations have been received from responsible authorities as follows:

#### Police

There is only one objection to this application, which relates to the premise that the hours can be extended on an unspecified number of "notable days" or for "certain international events", which will therefore also extend all the licensable activities for unspecified hours on unspecified dates, on unlimited occasions. This appears to be

outside the licensing system and the details laid down in the guidance issued under S.182 of the Licensing Act 2003, by-passing the T.E.N. system, and gives no right of recourse by any objector. The applicant and the Local Authority have a duty to promote the licensing objectives, how can this be assured at events, the precise time, frequency, volume and nature of which are entirely at the discretion of the Designated Premises Supervisor.

### Interested Parties

No representations.

### **1.7 Policy Considerations**

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

#### Statement Of Licensing Policy

*The following paragraphs of the Neath Port Talbot Statement of Licensing Policy are considered relevant to the application.*

#### 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.*

*6.8 The Council will consider attaching conditions to licences and permissions to deter and prevent crime and disorder, both inside and immediately outside the premises. These will include conditions drawn from the model pool of conditions relating to Crime and Disorder at Appendix 1 and any other conditions it considers appropriate.*

#### 9.0 Protection Of Children From Harm

*9.6 The Council may attach conditions:*

*To limit the hours that children may be present*

*To restrict the age of persons on the premises*

*To exclude or limit children when certain activities are taking place.*

*To require that children are accompanied by an adult*

*Excluding persons under 18, when any licensable activities are taking place.*

*Requiring the production of proof of age cards, or other age identification where alcohol is sold.*

*Requiring the display of any restrictions on the admission of children, on or immediately outside the premises.*

*The council may also consider imposing restrictions on different ages at different times. They may be applied generally or relate only to specific events or activities, e.g. the televising of a major football or rugby match.*

## *10.0 Licensing Hours*

*10.1 The Council, when assessing the licensing hours requested, will consider the individual merits of an application.*

*10.3 The applicant within the operating schedule is required to specify the hours when the premises will be open to the public as well as the hours when licensable activities will be provided. A “wind down” period after the sale of alcohol has ceased is considered good practice. However, where there is a significant difference in these times, the reasons for this will need to be clearly specified in the schedule. The Council must, be satisfied that it will not have a negative impact on the licensing objectives.*

## *12.0 Standard Conditions*

*12.2 The Council will attach conditions to premises licences or club premises certificates, which are tailored to the style and characteristics of the premises or event.*

## ***Secretary Of State’s Guidance***

### *The Operating Schedule*

*5.46 “An operating schedule must also set out the following details:*

- The relevant licensable activities to be conducted on the premises;*

- *The times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year);*
- *Any other times when the premises are to be open to the public;*

## 6.0 Relaxation of opening hours for local, national and international occasions

- 6.11 *It should normally be possible for applicants for premises licences and club premises certificates to anticipate special occasions which occur regularly each year – such as bank holidays – and to incorporate appropriate opening hours for these occasions in their operating schedules, similarly, temporary event notices – in respect of which a personal licence holder may give fifty each year – should be sufficient to cover events like Golden Wedding Anniversaries or 21st Birthday parties which take place at premises which do not have a premises licence or club premises certificate. However, with the passage of time exceptional events of local, national or international significance will arise which could not or have not been anticipated. such events can give rise to the need to vary the conditions of large numbers of premises licences and club premises certificates. in such circumstances, it will be open to the Secretary of State to make a licensing hours order to provide for premises with a premises licence or club premises certificate to open for specified, generally extended, hours on these special occasions. Examples might include a one-off local festival, a Royal Jubilee, a World Cup or an Olympic Games. Such events should be genuinely exceptional and the Secretary of State will not consider making such an order lightly. Licensing authorities (or any other persons) approaching the Secretary of State about the making of such an order are advised that they should give at least six months notice before the celebration in question. Before making such an order, the Secretary of State is required to consult such persons as she considers appropriate, and this would generally enable a wide-range of bodies to make representations to her for consideration. In addition, such an order will require the approval of both Houses of Parliament. Six months would be the minimum period in which such a process could be satisfactorily completed.*
- 6.12 *Such events should be genuinely exceptional and the Secretary of State will not consider making such an order lightly. Licensing authorities (or any other persons) approaching the Secretary of State about the making of such an order are advised that they should give **at least** six months notice before the celebration in question. Before making such an order, the Secretary of State is required to consult such persons as she considers appropriate, and this would generally enable a wide-range of bodies to make representations to her for consideration. In addition, such an order will require the approval of both*

*Houses of Parliament. Six months would be the minimum period in which such a process could be satisfactorily completed.*

## 8.0 General

8.2 *The most important aspect of the system of permitted temporary activities is that no authorisation as such is required for these events from the licensing authority. The system involves notification of an event to the licensing authority and the police, subject to fulfilling certain conditions. In general, only the police may intervene to prevent such an event taking place or to agree a modification of the arrangements for such an event; and it is characterized by an exceptionally light touch bureaucracy. The licensing authority may only ever intervene of its own volition if the limits set out in the 2003 Act on the number of temporary event notices that may be given in various circumstances would be exceeded. Otherwise, the licensing authority is only required to issue a timely acknowledgement.*

## **Officer's Report**

The committee is required to determine this application after taking into consideration the need to promote the licensing objectives and also the guidance issued by the Secretary Of State and the Neath Port Talbot Statement of Licensing Policy.

The basis of the police representation is that the proposal is totally open ended, with no dates, times or information being provided about the international events.

The Licensing Act 2003 states that the Operating Schedule must specify the hours during which the licensable activities are to take place.

Also provision is made within the Licensing Act for dealing with unforeseen events by means of a temporary event notice. Further provision is also made for the Secretary Of State to relax opening hours for local national or international occasions

Guidance issued by LACORS indicates that it is for the Licencing Authority to determine whether it considers this type of proposal acceptable.

The Association of Chief Police Officers ACPO has given guidance to its members and this is reproduced below:-

## **ACPO REPORT**

*“ The general view is that these applications can be accepted by licensing authorities under the Licensing Act 2003. However there are a number of issues that raise concern.*

*Many of these applications make no attempt to identify how the premises will minimise th potential for crime and disorder during the additional hours.*

*The request for 25 ‘occasional’ days per year is excessive when added to the 12 TEN’s.*

*It is unthinkable that just by providing notice of the event it should be allowed to go ahead without any provision for veto by police or others.*

*To maintain a consistent approach across the county ACPO suggest that Constabularies consider the following approach in relation to these applications.*

*No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed.*

*An operating plan covering the additional measures that will be taken to manage crime and disorder on the these occasions to be completed.*

*A minimum of 7 days notice to police and the licensing authority.*

*An absolute veto for police in respect of any of these occasions.*

*It is, of course, open to all the other responsible authorities to raise objections if they consider it necessary.”*

On hearing all representations on the matter, members will need to decide either:-

- 1) To approve the proposal as submitted
- 2) To amend the proposal as necessary eg. to restrict the number of occasions, or to specify the types of international events that it will apply to.
- 3) To reject the proposal

## **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

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Wards Affected

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