

**LICENSING (2003 ACT) SUB COMMITTEE**

**18<sup>th</sup> 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-180805 -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.: 001755 Premises Name: David Protheroe Premises Address: 7 Windsor Road, Neath, West Glamorgan, SA11 1LS	2 - 9	Neath North

## **1.1. Licence Application for Transitional Premises Licence**

Ref.No.: 001755 Wards Neath North  
Affected:

Premises Name: David Protheroe  
Premises Address: 7 Windsor Road, Neath, West Glamorgan, SA11 1LS

Applicant Name: JD Wetherspoon PLC  
Applicant Address: Wetherspoon House, Reeds Crescent, Watford, WD24 4QL

DPS Name: Donna Jones  
DPS Address: David Protheroe, 7 Windsor Road, Neath, SA11 1LS

Application Date: 23/06/2005

### **1.1 Conversion Application**

The premises have traded as a Public House for several 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 above are subject to the provisions and restrictions of the Licensing Act 1964.

### **1.2 Variation Application**

Supply of Alcohol:

Monday to Thursday	09:00 01:00
Friday & Saturday	09:00 02:00
Sunday	09:00 01:00

Seasonal Variations:

For the avoidance of doubt Good Friday and Christmas Day are included within the standard timings shown in this part. However the position in relation to New Years Eve remains as existing under Licensing Act 1964 (i.e. on New Years Eve alcohol sales may continue until the start of trading hours on New Years Day).

Non-standard Timings:

On Christmas Eve until 03:00 am

On Boxing Day until 03:00 am

For an additional hour to the finish times on the following days:-

Burns Night - 25th January

Australia Day - 26th January

St Davids Day - 1st March

St Patricks Day - 17th March

St Georges Day - 23rd April

St Andrews Day - 30th November

For an additional 30 minutes to the finish times on the following days:-

Thursday immediately preceding Good Friday

Sunday immediately preceding Bank Holiday Monday

From 06:00am until the beginning of the standard hours OR until 03:00am as follows:-

On no more than 12 occasions per calendar year. These extensions for the supply of alcohol can only take place if at least 7 days notice is provided to the Police and the Licensing Authority and ONLY if the Police give their consent.

Opening Hours:

Monday to Thursday 07:00 02:00

Friday & Saturday 07:00 03:00

Sunday 07:00 02:00

Non-standard Timings:

In line with the hours referred to above under non standard timings for the sale of alcohol, plus an additional hour.

For an additional 30 minutes to the finish times on the following days:-

Thursday immediately preceding Good Friday

Sunday immediately preceding Bank Holiday Monday

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change from British Summer Time to Greenwich Meantime).

Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.

Late Night Refreshment:

Monday to Thursday 23:00 01:00

Friday & Saturday 23:00 02:00

Sunday 23:00 01:00

Non-standard Timings:

In line with the hours referred to above under non standard timings for the sale of alcohol, plus an additional hour.

The applicant also seeks to remove the restrictions applied by Section 168 168a & 171 Licensing Act 1964 regarding children. Section 60 of the Licensing Act 1964 Re permitted hours. (Except New Years Eve). Section 63(1) Licensing Act 1964 Re drinking up time.

#### 1.4 **Background Information**

The Premises operate as a public house. Alcohol and food are available throughout the public areas. Private entertainment may also be provided within these areas. Such private entertainment is licensable if the local authority have adopted the Private Places of Entertainment (Licensing) Act 1967. Boxes E G-K below have been ticked in relation to private entertainment only but if the Private Places of Entertainment (Licensing) Act 1967 had not been adopted then these boxes are not applicable. There is no restriction on the hours during which members of the public may be present on the premises. The premises also have an outside area where alcohol may be consumed. Children under 14 may also be allowed in the bar area in accordance with the Childrens Certificate granted for the premises. Recorded music may be played throughout the premises.

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

The following information has been provided by the applicant:

General - all four licensing objectives:

Existing company procedures will be applied to the premises in relation to the additional hours that are requested and further information in respect of the company procedures and policies can be found in the attached documents.

1. JD Wetherspoon - Overview of Operations.
2. JD Wetherspoon Approach to Responsible Drinks Retailing.

### The Prevention Of Crime & Disorder:

The company is committed to strict compliance with the law in the course of the operation of its premises and to maintaining good standards of behaviour by its customers. The measures identified in the attached Overview of Operations are designed to meet the Prevention of Crime and Disorder Objective and may be found at sections A B C D E F G I J and L. These measures will continue to apply to the additional hours sought by this variation.

### Public safety:

JD Wetherspoon undertakes ongoing risk assessments in order to comply with Health and Safety Legislation. The attached Overview of Operations identifies certain areas from a licensing perspective which address the Public Safety objective. Please see sections A B C D G I J and L.

### The Prevention of Public Nuisance:

There is to be no change in the trading terms of these premises other than the later opening hours sought by this variation. The existing measures identified in the attached Overview of Operations will continue to apply. Please see sections A B C D E F G I J and L.

### The Protection Of Children From Harm:

The company has many years of experience in catering for families with over 95% of its premises having the benefit of Children Certificates. It is company policy that children will be required to vacate the Bar by 21.00hrs unless they are eating in which case they will be required to vacate the bar by 21.30hrs. Children must always be accompanied by an adult who will be required to maintain constant supervision of them. The measures identified in the attached Overview of Operations provide further confirmation of the company's compliance with the Protection of Children From Harm Objective. Please see sections A B C D G I J K and L.

## **1.6 Relevant Representations:**

Responsible Authorities Representations

Police

The application is to sell alcohol until 1am each day of the week, and 2am on Friday and Saturday, with an extra hour each day for "drinking up" time. This will increase the capacity of late night premises to a time when there is a peak in alcohol related crime and disorder in the immediate area. The immediate vicinity provides one of the Boroughs main areas for concern in relation to alcohol related violence, damage, disorder etc, and to permit the premises to open until such times will have an impact on crime volume against licensing objectives. The premises also seeks to open later during certain days of the year, again this would be undesirable, given the incidents in this area, and the times for alcohol related incidents will be extended. Evidence will be provided at any hearing by the Sector Inspector in support of this objection.

There is an outside drinking area. In the interests of public safety, I would require plastic vessels only to be used.

The premises is drink orientated, I require registered door supervisors at the premises in line with the standard set by other late night premises in the area. in the interests of public safety and crime and disorder.

In the interests of public safety and the prevention of crime and disorder, I require a capacity for the premises in line with the accepted standard of 1 person per metre sq, to ensure the premises is not categorized as a troublesome "high volume vertical drinking establishment". The current trend is away from this type of environment

### **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.*

*(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.*

6.10 *The council may require any or all of the above measures in respect of any premises where it is considered necessary in the interests of minimising crime and disorder, as well as any other specific measures appropriate for the premises.*

## **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.*

### Secretary of State's Guidance

*The following sections are considered relevant to the application:-*

## **7.0 Crime and Disorder**

7.27 *Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence where such activity is likely to occur, by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass). A condition must also be capable of being met, for example, while beer glasses may be available in toughened glass, wine glasses may not. Conditions of this kind therefore need careful consideration to ensure that they are not only necessary but both practical and achievable. Similarly, although most commonly made a condition of a licence on public safety grounds, consideration can also be given to conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding which can lead to disorder and violence. Where such a condition is considered*



*necessary, consideration should also be given to whether door supervisors would be needed to ensure that the numbers are appropriately controlled.*

## **1.8 Officer's Report**

The representations from the police relate to the perceived impact on crime and disorder due to the hours sought by the applicant. It is also submitted by the police that there is need for door supervisors. Usually this is a decision of the management however where representations are made the Licensing Authority has discretion to require the provision of door supervisors. An occupant capacity is also being proposed for the premises. This can be sought on crime and disorder and it is considered necessary then a capacity can be fixed by the Licensing Authority. With regard to the outside drinking area the authority's statement of policy states that plastic glasses should be used. However on a practical basis it may not be possible to distinguish as to who will be using the outside drinking area.

## **1.9 Recommendation**

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

### **Background Papers**

Application for Premises Licence.

### **Officer Contact**

J Sullivan Principal Officer Licensing

Tel (01639) 686326 email j.sullivan@npt.gov.uk

### **Wards Affected**

Neath North