

LICENSING & GAMBLING ACTS SUB COMMITTEE

19TH FEBRUARY 2008

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

INDEX OF REPORT ITEMS

PART 1– Doc.Code: LICAS-190208-REP-FS-JS

SECTION A – MATTERS FOR DECISION			
Report Item		Page Nos	Wards Affected
1.0 Application for Premises Licence			
Reference Number	007288		
Name	Goa Express Bar & Restaurant	2-14	Briton Ferry East
Address	40 Neath Road, Briton Ferry, Neath, SA11 2YR		

1.1 Application for Premises Licence

Ref.No.:	007288	Ward	Briton Ferry East
Premises Name:	Goa Express Bar & Restaurant		
Premises Address:	40, Neath Road, Briton Ferry, Neath, SA11 2YR		
Applicant Name:	Balakrishna Reddy Garadannagari and Anitha Duttullur		
Applicant Address:	3 Bedford Place, Roath, Cardiff, CF24 3BB		
DPS Name:	Balakrishna Reddy Garadannagari		
DPS Address:	3 Bedford Place, Roath, Cardiff, Cf24 3BB		
Application Date:	3/1/08		

1.2 Licence Application

Supply of Alcohol: On & Off Premises

Monday – Sunday 10.00 – 00.00

Hours Premises Open To Public

Monday – Sunday 09.00 – 00.30

Films: Indoors & Outdoors

Monday – Sunday 10.00 – 00.00

Indoor Sporting Events

Monday – Sunday 10.00 – 00.00

Live Music: Indoors

Monday – Sunday 10.00 – 00.00

Recorded Music: Indoors

Monday – Sunday 10.00 – 00.00

Performances of Dance : Indoors

Monday – Sunday 10.00 – 00.00

Activity like Music/Dance : Indoors

Monday – Sunday 10.00 – 00.00

Facilities for Dancing: Indoors

Monday – Sunday 10.00 – 00.00

Facilities like Music/Dance: Indoors & Outdoors

Monday – Sunday 10.00 – 00.00

Late Night Refreshment: Indoors
Monday – Sunday 23.00 – 00.00

For New Year's Eve the premises may provide the above facilities until the start of permitted hours on New Year's Day.

The premises wishes to nominate, on up to 12 occasions per calendar year, special event days, at their own discretion, when opening hours will be extended to include all licensable activities. They will give 10 days notice in writing to the local Police Licensing Officer. If the Police object and give 48 hours written notice to the premises licence holder then the event will not take place

1.3 Background Information

Semi detached two story brick built building. The upper floor of the building consists of private rented accommodation with a separate entrance. The ground floor consists of the main restaurant / public area together with hot food area, kitchen, two separate store areas and toilets.

1.4 Promotion of Licensing Objectives

General - all four licensing objectives:

Any person whose behaviour falls below the expected standard will be asked to leave the premises by staff. All staff will be trained as to the standards required by the Designated Premises Supervisor. All staff will be trained as to their responsibilities under the Licensing Act especially regarding under age sales and sales to intoxicated persons.

Irresponsible sales promotions such as "two-for-one" or "pay for entry all you can drink for free" will not be undertaken.

The premises will be open to the public for 30 minutes after the last sale of alcohol, to allow a period for what is now referred to as "drinking up" time.

Beyond the time when alcohol sales are permitted, no person will be allowed to remove alcohol from the premises, and off-licence sales will not be permitted.

Customers will not be permitted to remove glass vessels from the premises, nor to remove alcohol from the premises beyond the time when alcohol is permitted to be sold. Any off sales will be in closed vessels.

The prevention of crime & disorder:

The premises will be well supervised by staff so as to ensure that staff do not make underage sales, sales to an intoxicated person or play any part in proxy purchasing. Any illegal activity will be reported to the Police and evidence of such activity will be made available. The use of illicit substances will not be tolerated and staff are instructed accordingly. Staff will be fully aware of their responsibility to ensure that disorderly conduct does not occur on the premises.

Public safety:

There is written fire risk assessment in respect of the premises. The premises have fire extinguishers suitably located throughout the premises. All fire exits will be properly maintained, free from obstruction and marked in accordance with current best practice. Fire and safety systems will be regularly tested and records of those tests will be kept on the premises for inspection. All staff are instructed on safety and evacuation procedures in the event of an incident. In the event of an accident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

The prevention of public nuisance:

Signage will be placed at the exits requesting noise levels be minimised by customers leaving the premises, and that respect is given to residents in the area. In the event of any disorder, persons will be required to leave the premises, if necessary with the assistance of the Police, and other premises in the area will be informed of the details immediately so that appropriate preventative steps can be taken.

The protection of children from harm:

Children will be admitted to the premises unaccompanied until 2100hrs, however after 2100hrs they must be accompanied by an adult.

Proof of age will be required from any person who appears to be under the age of 18 years who attempts to purchase or consume alcohol. Proof of age will be by photographic drivers licence, passport or other official photographic I.D. A range of non-alcoholic drinks will be available for any young persons in the premises and staff will be adequately trained on the issues of proxy purchasing and as to their responsibilities to prevent such actions on the premises.

1.5 Relevent Representations

Responsible Authorities

Environmental Health – See Appendix 1

Police – See Appendix 2

Interested Parties

Mr Doyle, 56, Neath Road, Briton Ferry, Neath, SA11 2YR – See Appendix 3

1.6 Policy Considerations

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.

8.4 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 States Guidance

Public nuisance

2.32 The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgments 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.

2.36 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

1.7 Officer Report

After successful negotiation between the applicant, responsible authorities and the interested party, all representations have been withdrawn (see Appendix 1-3). The Environmental Health Officer has requested that there should be no regulated entertainment outside the premises and a condition be added to the licence stating that “Entertainment noise shall be inaudible inside any noise sensitive property”; the applicant has agreed to both of these requests (see Appendix 4).

1.8 Recommendation

Approval subject to the condition requested by the Environmental Health Officer

List of Background Papers

Application for Premises Licence.

Officer Contact

J Sullivan Licensing Manager

Tel (01639) 763056 email j.sullivan@npt.gov.uk

Wards Affected

Briton Ferry East

Memorandum **Memorandwm**
To At

TO: Licensing Section FAO Jim Sullivan

SUBJECT: Licensing Application received for a Premise Licence at Goa Express Bar and Restaurant at 40 Neath Road, Briton Ferry

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

1. In section B of the application it is indicated that the applicant is applying to have films both inside and outside of the premises until midnight every day. I would object to any form of entertainment outside of the premises but suggest that this may be an error when completing the form and clarification is needed.
2. Similarly in section K the applicant requires dancing both inside and outside of the premises which requires clarification.
3. It is noted that the premises are attached to a residential property and also there is a flat on the first floor of the application premises. Because of the probability of disturbance to others when live music and recorded music is being played I would recommend, as suggested by The Institute of Acoustics Guidance on the Control of Noise from Pubs and Clubs that entertainment noise shall be inaudible inside any noise sensitive property.
4. It is noted that benches are proposed outside of the premises and that an area has been outlined in green for the consumption of alcohol. It appears that this area includes part of the pavement and may cause obstruction to passers by and for this reason I would recommend that the outside area proposed is not included in the licence.



Tony John
Environmental Health Officer



Linda Pitman

From: Tony John

Sent: 01 February 2008 09:40

To: Licensing Licensing

Subject: Goa Express Bar and Restaurant, 40 Neath Road, Briton Ferry

Neil

In response to the letter that you have received from CTL relating to the application for the above premise I note that the points raised in my representations dated the 8th January have been agreed by the applicant. I therefore wish to withdraw my representations subject to the inaudibility clause being incorporated as a licence condition.

Tony

Sarah Bartle

From: John.B.Williams@south-wales.pnn.police.uk
Sent: 11 January 2008 10:51
To: Dave Rees; Jim Sullivan; Neil Chapple; Sarah Bartle; Val Cotton
Subject: Goa Express Bar and Restaurant, Briton Ferry

In respect of the application for a premises licence in respect of the above, I wish to register observations I respect of the request to provide regulated entertainment outside the premises. The front of the premises is a public pavement, and to permit such entertainment would increase the likelihood of social disturbance.

Submitted for your information and consideration.

P.C. 1016 John Williams.

Divisional Licensing Officer.

Direct Line 01639 640207

E-mail john.b.williams@south-wales.pnn.police.uk

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Datganiad Cyfrinachedd E-bost

Nid yw'r e-bost yma ac unrhyw ffeiliau a drosglwyddir ynghyd â hi o anghenrheid yn adlewyrchu barn Heddlu De Cymru. Fe'i bwriedir ar gyfer y person neu'r endid a enwir isod. Os ydych wedi derbyn yr E-bost yma trwy gamgymeriad a fydddech gystal â hysbysu'r cychwynnwr a dileu'r E-bost yma o'ch system. Os nad chi yw'r derbynnydd bwriadedig neu'r cyfogydd neu'r asiant gyda chyfrifoldeb am ei throsglwyddo i'r derbynnydd bwriadedig, hysbysir chi drwy hyn fod defnyddio, adolygu, gwasgaru, dosbarthu neu gopio'r E-bost yn gwbl waharddedig. Mae'r E-bost yma ynghyd ag unrhyw ffeiliau a drosglwyddir gyda hi wedi ei gwirio ar gyfer pob feirws hysbys. Dylai'r derbynnydd, er hynny, wirio'r E-bost ac unrhyw ymgysylltiadau ar gyfer presenoldeb unrhyw feirws, gan nad yw Heddlu De Cymru'n derbyn unrhyw gyfrifoldeb am unrhyw niwed a achosir gan unrhyw feirws a ellid ei drosglwyddo gyda'r E-bost yma.

Mae Heddlu De Cymru'n cadw'r hawl i fonitro holl weithgaredd a chynnwys E-bost.

11/01/2008

Val Cotton

From: John.B.Williams@south-wales.pnn.police.uk
Sent: 17 January 2008 10:24
To: Dave Rees; Jim Sullivan; Neil Chapple; Sarah Bartle; Val Cotton
Subject: Goa Express, Briton Ferry

In respect of the above premises, I have been contacted by the applicant's representative who has addressed my observations. The request for regulated entertainment outside the premises was a clerical error. Observations are with

Submitted for your information and consideration,

P.C. 1016 John Williams,
Divisional Licensing Officer.
Direct Line 01639 640207
E-mail john.b.williams@south-wales.pnn.police.uk

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Datganiad Cyfrinachedd E-bost

Nid yw'r e-bost yma ac unrhyw ffelliau a drosglwyddir ynghyd â hi o anghenrheid yn adlewyrchu barn Heddlu De Cymru. Fe'i bwriedir ar y person neu'r endid a enwir isod. Os ydych wedi derbyn yr E-bost yma trwy gamgymeriad a fydddech gystal â hysbysu'r cychwynnwr a dileu'r bost yma o'ch system. Os nad chi yw'r derbynnydd bwriadedig neu'r cyflogydd neu'r asiant gyda chyfrifoldeb am ei throsglwyddo i'r derbynnydd, hysbysir chi drwy hyn fod defnyddio, adolygu, gwasgaru, dosbarthu neu gopïo'r E-bost yn gwlw waharddedig. Mae'r E-bost yr ynghyd ag unrhyw ffelliau a drosglwyddir gyda hi wedi ei gwirio ar gyfer pob feirws hysbys. Dylai'r derbynnydd, er hynny, wirio'r E-bost a unrhyw ymgysylltiadau ar gyfer presenoldeb unrhyw feirws, gan nad yw Heddlu De Cymru'n derbyn unrhyw gyfrifoldeb am unrhyw niwed achosir gan unrhyw feirws a ellid ei drosglwyddo gyda'r E-bost yma.

Mae Heddlu De Cymru'n cadw'r hawl i fonitro holl weithgaredd a chynnwys E-bost.

24 JAN 2008
 REFERENCE NO-
 56 NEATH RD
 B. FERRY
 NEATH
 Mr SULLIVAN 21 JAN 2008 SAH 2YR
 LICENSING DPT 01639 779111
 NEATH CIVIC CENTRE
 NEATH

Dear Mr Sullivan

IT has come to my attention that the fish bar next door to the B. Ferry Post Office is requesting a change of purpose i.e. the sale of alcohol, dancing, Movies etc etc. until midnight every night. Although I am not totally against the idea of a restaurant, the thought of live music etc until Midnight every night does give me concerns.

You have first hand experience of the difficulty of this area to accommodate residential housing and late night venues, the pub across the road is going to reopen (hopefully responsible and thoughtful people will run the premises) EARL OF SERSEY that is. Given the two together we are not looking forward to the future

months.

We can only hope that the envisaged problems associated with these premises being in such close proximity does not encroach on the residential housing/residents but we fear the worse!

Mr Sullivan, you have always handled these affairs fairly, and we thank you for that and we have confidence in your decision making.

I am writing this letter just for the record that if everything does take a turn for the worse that it cannot be said that I did not speak up before the licence was granted, as you know I will, if necessary take all steps open to me to ensure that our lives are not ruined by unsociable and undesirable acts.

yours Sincerely
PJ Doyle

56 NEATH RD

B. FERRY

NEATH

Mr Sullivan

SAM 2YR

NEATH CIVIC CENTRE

0639 779111

NEATH

31ST JAN 08

Dear Mr Sullivan,

with reference to my letter regarding change of use at the B. Ferry fish bar. After speaking to Mr R Hall who I believe is the agent for the new owners, most of my fears have been answered. Hopefully the restaurant will be just that, a restaurant, with occasional entertainment.

I have no objection to that, but as I told Mr Hall if things do not go as planned I will act accordingly.

yours faithfully
PS Doyle



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Neath & Port Talbot CBC
Licensing Department
Civic Centre
Neath
SA11 3QZ

27th January 2008

Dear Sir

**Subject: Premises Licence Application – Goa Express Bar and Restaurant 40
Neath Road, Briton Ferry, Neath, SA11 2YR**

With reference to the attached Environmental Health observations please note the following:

- Points 1&2 This was an error there will be no regulated entertainment of any form outside of the premises.
- Point 3 The Flat on the first floor is unoccupied and owned by the applicant. The property which is attached to the premises is separated by an internal passageway which gives access to the first floor flat. The Applicant gives an assurance that any entertainment noise shall be inaudible inside any noise sensitive property.
- Point 4 It can be seen from the attached plan that the land registry records show that the boundary of the property extends almost to the roadway. My client has no intention to obstruct any part of the pavement or block pedestrian movement of the highway and intends to be vigilant to ensure that this does not occur. Posters will be displayed on the premises to re enforce this.

If you require any further information then please do not hesitate to contact me.

Yours faithfully

Peter Hall

edexcel

