

**LICENSING (2003 ACT) SUB COMMITTEE**

**19<sup>th</sup> September 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-190905-REP-FS-CJ**

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<b>1. Licensing Act 2003 Premises Licence Applications</b>		
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Ref.No.: 002157 Premises Name: Cross Keys Hotel Premises Address: Cross Keys Hotel, Old Road, Skewen, Neath, West Glamorgan, SA10 6AR	<b>9-14</b>	Coedffranc Central
Ref.No.: 002171 Premises Name: British Lion Premises Address: Pwll Y Glaw, Cwmavon, Port Talbot, SA12 9HD	<b>15-21</b>	Bryn & Cwmavon
<b>2. Licensing Act 2003 Club Licence Applications</b>		
Ref.No.: 002223 Premises Name: Glynneath Social Club & Inst L Premises Address: 74 High Street, Glynneath, Neath, West Glamorgan, SA11 5AW	<b>22-26</b>	Glynneath



Bank Holiday and every August Bank Holiday weekend.

A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Years Eve/Day hours.

Opening Hours - Standard Timings:

Monday to Thursday	11.00 - 00.30
Friday	11.00 - 01.30
Saturday	11.00 - 02.30
Sunday	11.00 - 23.00

Non-standard Timings:

As above.

Live Music:

Monday to Thursday	11.00 - 00.00
Friday	11.00 - 01.00
Saturday	11.00 - 02.00
Sunday	12.00 - 22.30

Non-standard Timings:

As above, except an additional hour on the evening of 1st March (St Davids Day), varied Christmas Day opening from 11.00 - 14.00.

Recorded Music - times as above

Non-standard Timings:

As above (including St David's Day and Christmas Day).

Facility like Music/Dance - times as above.

Non-standard Timings:

As above.

#### **1.4. Background Information**

Submitted by applicant:-

A traditional stone built detached building. Double glazed throughout.

Bar, lounge, dining room and outside enclosed drinking area to rear. Car parking for 6 cars to the front of the pub. Commercial kitchen, domestic accommodation - 4 bedrooms, lounge, dining room, domestic kitchen, bathroom and toilet. Situated on main road at the end of the village.

Locals community pub with food.

Semis and terraced in front of pub across main road, semi detached houses to right, grass land to left.

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

The following information has been provided by the applicant:

##### **General - all four licensing objectives:**

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute "drinking up" time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and/or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

##### **The Prevention of Crime & Disorder:**

Locals pub where there is no trouble.

Police station quarter of a mile away.

Local police use pub to socialise.

Nearest licensed premises 300 yards away.

Burglar alarm.

Liase with local residents, police and other publicans.

Illuminated car park and exterior.

People encouraged not to loiter outside the pub.

**Public Safety:**

Fire fighting equipment.

Disabled ramp (portable) & disabled parking.

Smoking charter.

Incident and accident logs held.

Illuminated exterior.

No childrens play equipment in beer garden.

**The Prevention of Public Nuisance:**

Doubled glazed.

Air purifiers within.

Lessee liases with local residents and is keen for them to share any issues they may have.

Customers asked to leave quietly.

Taxis asked not to sound horn when waiting for fare.

No adjoining local residents.

Fabric of building retains sound. (traditional stone built)

The protection of children from harm:

No children without adults. Children only allowed when eating.

No children after 21.00.

No gaming machines.

No outdoor play equipment.

### **Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 1.

##### Environmental Health

See Appendix 2.

#### **Interested Parties Representations**

No representations.

## **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***

8.3 *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

- 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**

Representations relate to prevention of public nuisance.

Proposals for dealing with this are submitted both by the Police and Environmental Health Officer. These should be considered when determining the application, following all representations and submissions being heard.

## **1.8. 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**

Bryn & Cwmavon





A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend.

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Opening Hours - Standard Timings:

Monday – Wednesday 11.00 - 23.30

Thursday - Saturday 11.00 - 00.30

Sunday 12.00 - 23.00

Non-standard Timings:

As above.

Live Music:

Monday – Wednesday 11.00 - 23.00

Thursday - Saturday 11.00 - 00.00

Sunday 12.00 - 22.30

Non-standard Timings:

As above.

Recorded Music:

Times as above.

Non-standard Timings:

As above.

Facility like Music/Dance:

Times as above.

Non-standard Timings:

As above.

## **1.12. Background Information**

Submitted by applicant:-

Detached two storey public house with public bar and lounge, car park and beer garden.

## **1.13. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute "drinking up" time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives, the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

### **The Prevention of Crime & Disorder:**

Members of pubwatch scheme. Front of building and car park well lit at night, no other licensed premises in close proximity, most customers are local.

### **Public Safety**

Maintain fire fighting equipment, smoking charter displayed.

### **The Prevention of Public Nuisance**

Sign displayed requesting customers to leave premises quietly and customer departure is managed, no adjoining local residents, no other pubs in the near vicinity. Double glazing installed to front elevation.

## **The Protection of Children from Harm**

No unaccompanied children allowed in the premises. Children under 14 not allowed after 21.00.

### **1.14. Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 3.

##### Environmental Health

See Appendix 4.

#### **Interested Parties Representations**

No representations.

### **1.15. Policy Considerations**

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

#### *Statement of Licensing Policy*

##### **8.0 *Prevention of Public Nuisance***

8.3 *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

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.*

**1.16. Officer's Report**

Representations from the Police and Environmental Health officer relate to prevention of public nuisance.

Measures to minimise this are proposed by the Environmental Health Officer.

These should be considered after hearing all representations and submissions.

**1.17. 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**

Bryn & Cwmavon

### **1.18. Licence Application for Transitional Premises Licence with variation**

Ref.No.: 002171 Wards Bryn & Cwmavon  
Affected:

Premises Name: British Lion  
Premises Address: Pwll Y Glaw, Cwmavon, Port Talbot, SA12 9HD

Applicant Name: Mr Gulbir Singh Sanghera  
Applicant Address: British Lion, Pwll Y Glaw, Cwmavon, Port Talbot, SA12 9HD

DPS Name: Mr Gulbir Singh Sanghera  
DPS Address: British Lion, Pwll Y Glaw, Cwmavon, Port Talbot, SA12 9HD

Application Date: 25/07/2005

### **1.19. Conversion Application**

The premises have traded as a public house for many years and are entitled to a premises licence for the sale of alcohol with the previous permitted hours becoming conditions of the new licence. 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.

### **1.20. Variation Application**

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

Supply of Alcohol:

Monday - Thursday 10.00 - 00.00

Friday & Saturday 10.00 - 01.00

Sunday 10.00 - 00.00

Non-standard Timings:

For New Year's Eve the permitted times will be in line with current de-regulation.

Opening Hours - Standard Timings:

Monday - Thursday 10.00 - 00.30

Friday & Saturday 10.00 - 01.30  
Sunday 10.00 - 00.30  
Non-standard Timings:  
As above.

Films:  
Monday - Thursday 10.00 - 00.00  
Friday & Saturday 10.00 - 01.00  
Sunday 10.00 - 00.00  
Non-standard Timings:  
As above.

Indoor Sporting Events:  
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:  
Times 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 Dancing:  
Times as above.  
Non-standard Timings:  
As above.



Late Night Refreshment:

Monday - Thursday 23.00 - 00.00

Friday & Saturday 23.00 - 01.00

Sunday 10.00 - 00.00

Non-standard Timings:

As above.

Restrictions requested to be lifted:

1. The restriction that only up to two persons can provide entertainment in the function/dining room.

2. The removal of the restriction that music and dance is not permitted on Good Friday.

### **1.21. Background Information**

Provided by applicant:-

The premise is a detached property of substantial brick and slate construction.

The premises are divided internally to the ground floor into a lounge and lounge bar. the lounge bar has a pool table and a small area which can be used for dancing. licensed areas can be readily supervised from the servery areas.

To the first floor are private quarters.

### **1.22. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

**General - all four licensing objectives:**

**The Prevention of Crime & Disorder:**

The premises will be well supervised by staff located at each of the servery areas.

Any customer at the premises may be subject to a search as a condition of entry to the premises.

Any illegal activity or seizures made as a result of a search, will be reported to the Police.

The use of illicit substances will not be tolerated.

### **Public Safety:**

The capacity for the premises will be 100 persons.

The premises will have fire safety equipment as per the requirements of the Fire Authority and all fire exits will be properly maintained, free from obstruction and marked in accordance with current best practice.

A regular risk assessment will be undertaken.

In the event of an incident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

All fire and safety systems will be regularly tested.

Regular glass collection will be undertaken.

### **The Prevention of Public Nuisance**

During the time when entertainment is provided, equipment will be fitted with a sound limiter, and all doors and windows will remain closed in order to reduce the amount of sound from the premises.

Signage will be placed at the exits requesting noise levels to be minimised by customers leaving the premises.

"Bottling up" and disposal of refuse will not be undertaken at the close of business to reduce nuisance.

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.

Any off-licence sales will be made in closed vessels.

## **The Protection of Children from Harm:**

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible adult.

Children will only be permitted during any film or entertainment in accordance with any age restriction on that film or entertainment.

Proof of age will be required from any person who appears to be under the age of 18 years.

Children will not be permitted in the premises beyond 22.00, and beyond midnight when an area of the premises is being used for a private function.

### **1.23. Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 5

##### Environmental Health

See Appendix 6

### **1.24. Interested Parties Representations**

See Appendix 7

### **1.25. Policy Considerations**

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

#### Statement of Licensing Policy

#### **8.0 *Prevention of Public Nuisance***

8.3 *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*

- 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.*

### **1.26. Officer's Report**

The basis of the representations is that there will be disturbance from social noise and noise from musical entertainment.

The environmental health officer recommends appropriate measures to deal with both these issues.

Residents representations relate also to parking issues. It is submitted that this is not a relevant matter when determining the application. However disturbance caused by cars, taxis etc going to and from the premises can be taken into account.

### **1.27. 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**

Cwmavon

## **2.0. Application for Transitional Club Premises Certificate with variation**

Ref.No.: 002223 Wards Glynneath  
Affected:  
Premises Name: Glynneath Social Club & Inst L  
Premises Address: 74 High Street, Glynneath, Neath, West Glamorgan, SA11 5AW  
Applicant Name: Mr Frederick David James Brewis  
Applicant Address: 12 Meadow Walk, Ystrad, Rhondda, CF41 7QN  
Application Date: 26/07/2005

### **2.1. Conversion Application**

The premises have operated as a registered club for many years and are entitled to a club premises certificate the supply of alcohol with the previous permitted hours becoming conditions of the new certificate.

The relevant licensable activities are presently: -

The supply 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.

### **2.2. Variation Application**

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

Supply of Alcohol:  
Monday – Thursday 11.00 – 00.00  
Friday & Saturday 11.00 – 01.00  
Sunday 10.30 – 23.30

Seasonal Variations:  
Non-standard Timings:

Live Music:  
Monday - Thursday 11.00 - 00.00

Friday & Saturday 11.00 - 01.00  
Sunday 10.30 - 23.30  
Seasonal Variations:  
11.00 New Year's Eve to 23.00 New Year's Day.

Recorded Music:  
Times as above.  
Seasonal Variations:  
As above.

Facilities for Dancing:  
Times as above.  
Seasonal Variations:  
As above.

### **2.3. Background Information**

Provided by applicant:-

Weekdays 11am to 11pm  
Sundays 11am to 10:30pm  
Christmas day 11am to 2pm  
Good Friday 11am to 10:30pm

### **2.4. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

#### **General - all four licensing objectives:**

Social Club in small Community.

#### **The Prevention of Crime & Disorder:**

Committee men present at premises.

#### **Public Safety:**

As above.

## **The Prevention of Public Nuisance:**

As above.

## **The Protection of Children from Harm:**

As above.

Notices displayed sale to over 18's.

### **2.5. Relevant Representations:**

#### **Responsible Authorities Representations**

##### Police

See Appendix 8

##### Environmental Health

See Appendix 9

### **2.6. Interested Parties Representations**

No representations.

### **2.7. Policy Considerations**

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

#### *Statement of Licensing Policy*

#### **8.0 *Prevention of Public Nuisance***

8.3 *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.*
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Secretary of State's Guidance

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- 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.*

## **2.8. Officer's Report**

The police and environmental health officer refer to the potential for public nuisance due to the hours sought and the location of the premises.

Conditions are proposed and these need to be considered, after hearing all submissions.

## **2.9. 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

### **Wards Affected**

Glynneath