

LICENSING (2003 ACT) SUB COMMITTEE

19th DECEMBER 2006

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-191206-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 005592 Premises Name: St Oswalds Premises Address: 6 Station Road, Port Talbot, W Glam, SA13 1JB	2-14	Port Talbot

Live Music:

Monday to Thursday 10.00 - 01.00

Friday to Saturday 10.00 - 02.00

Sunday 10.00 - 00.30

Non-standard Timings:

All Bank Holiday timings 10.00 - 02.00

Recorded Music:

Monday to Thursday 10.00 - 01.00

Friday to Saturday 10.00 - 02.00

Sunday 10.00 - 00.30

Non-standard Timings:

All Bank Holiday timings 10.00 - 02.00

Performance of Dance:

Monday to Thursday 10.00 - 01.00

Friday to Saturday 10.00 - 02.00

Sunday 10.00 - 00.30

Non-standard Timings:

All Bank Holidays timings 10.00 - 02.00

Activity like Music/Dance:

Monday to Thursday 10.00 - 01.00

Friday to Saturday 10.00 - 02.00

Sunday 10.00 - 00.30

Non-standard Timings:

All bank holiday timings 10.00 - 02.00

Facilities for Making Music:

Monday to Thursday 10.00 - 01.00

Friday to Saturday 10.00 - 02.00

Sunday 10.00 - 00.30

Non-standard Timings:

All bank holiday timings 10.00 - 02.00

Facilities for Dancing:

Monday to Thursdays 10.00 - 01.00

Friday to Saturday 10.00 - 02.00

Sunday 10.00 - 00.30

Non-standard Timings:

All Bank Holiday timings 10.00 - 02.00

Late Night Refreshment:

Monday to Thursday 10.00 - 01.00

Friday to Sunday 10.00 - 02.00

Non-standard Timings:

All bank holiday timings 10.00 - 02.00

1.3. Background Information

Public house comprising bar and lounge areas on ground and first floors, with second floor managers accommodation and office middle terrace building situated on main thoroughfare in town centre.

1.4. Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

Security personnel will be engaged.

Will participate in local "pub watch" scheme.

Will not encourage "Happy Hours".

CCTV system will be installed.

Public Safety

Compliance with relevant legislation.

All recommendations in Health & Safety and Fire Precaution will be implemented. Monitoring assessments to be carried out on a regular basis.

The Prevention of Public Nuisance:

Recommendation of Acoustic Consultants will be implemented ie. soundproofing.

Notices will be posted on premises requesting orderly behaviour of patrons, particularly when leaving premises at night.

The Protection of Children from Harm:

All employees will be under strict instruction to request proof of age.

It will not be policy to organise "Happy Hours".

Notices advising public of policy re: underage drinking will be prominently displayed on premises.

1.5. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

Environmental Health

See Appendix 2.

Fire Service

See Appendix 3.

1.6. 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 & 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.

(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.

7.0. *Public Safety*

7.3. The Council requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and characteristics of the premises and events. Matters which should be considered by the applicant include:

- The occupancy capacity of the premises
- The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.

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

Prevention of Crime & Disorder

- 7.25. Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed circuit television cameras both inside and immediately outside the premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. Some licensees may wish to have such cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary to ensure that the precise location of cameras is set out on plans to ensure certain areas are properly covered and to ensure that there is no subsequent dispute over the terms of the condition. Similarly, the provision of 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.
- 7.29. Furthermore, again in the context of crime and disorder, where appropriate, communications between the managers of the premises and the police can be of great importance. Involvement by operators and managers in voluntary schemes and initiatives may be particularly valuable. Conditions requiring dedicated text or pager links between management teams and local police stations can provide early warning of disorder and also can be used to inform other licence holders that a problem has arisen in the area generally. For example, where a gang of youths is causing problems in one public house and their eviction will only result in them going on elsewhere to cause problems on other premises, there is advantage in communication links between the police and other licensed premises and clubs. However, while this may be necessary and effective in certain parts of licensing authority areas, it may be less effective or even unnecessary in others. Police views on such matters should be given considerable weight and licensing authorities must remember that only necessary conditions, which are within the control of the licence holder or club, may be imposed.

Prevention of Public Nuisance

- 7.43. Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be

attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.

1.8. Officer's Report

The premises currently hold a premises licence, although it has not been trading for several months. Extensive internal alterations have been carried out and thus a new premises licence is required. The licensable activities and operating hours remain the same with the exception that provision for extended hours on Bank Holidays is sought.

The police representations refer to concerns in respect of crime and disorder. Conditions are proposed to address these issues. The Environmental Officer expresses concerns from noise by amplified music. He recommends restrictions and conditions to prevent nuisance from arising.

The Fire Officer expresses concerns regarding fire safety and recommends that a schedule of work be carried out in order that the premises complies with fire safety legislation.

1.9. Recommendation

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

List of Background Papers

Application for Premises Licence

Officer Contact

J.Sullivan - Licensing Manager

Tel (01639) 686326 e-mail j.sullivan@npt.gov.uk

Wards Affected

Port Talbot

Appendix 1

Val Cotton

From: John.B.Williams@south-wales.pnn.police.uk
Sent: 04 December 2006 13:21
To: Alwyn Hughes; Neil Chapple; Ron Staddon; Sarah Bartle; Val Cotton
Subject: St Oswald's, Station Road, Port Talbot

In respect of the premises application for the above, I wish to lodge observations in respect of the following:

1. Page 14, Paragraph P a), "a prime consideration, during the current complete refurbishment of the premises, will be close liaison with personnel e.g. police." There does not appear to have been any consultation thus far.
2. Page 14, Paragraph P b), "security personnel will be engaged". I require that only SIA licensed door staff are employed, with a minimum of three staff in order to adequately supervise both floors, for up to 200 persons with a ratio of one extra door supervisor per 100 customers thereafter. This is to prevent crime and disorder and to assist in ensuring public safety. A duty record, ie name, address, licence number etc, of all door staff must be completed at the start of the tour of duty, and those records must be kept for examination by Police and Local Authority licensing officers.
3. The premises is to be a participating member of the Port Talbot Pubwatch Scheme, and a participating member of Port Talbot nite-net radio system.
4. In the interests of public safety, I require a capacity for the premises, with a ratio towards a figure that does not indicate a high volume vertical drinking environment, i.e. one person per metre square. The capacity indicated on the plan of the premises, but a capacity is requested as part of the licence. How is it proposed to monitor the capacities of each of the areas of the premises, ie. ground and first floors.
5. A CCTV system must be installed to a standard and coverage agreed by the Police Crime Prevention Officer. CCTV recordings must be kept for a period of 28 days, and must be accessible to Police and Local Authority Licensing Officers.
6. Page 14, Paragraph c), "In accordance with the health and safety policy of Valley Taverns". A policy document is referred to in support of the application, but is not included.
7. Page 14, paragraph d), "steps are being taken to restrict noise break-out from the premises" What are those steps?
8. Page 14, Paragraph e), Proof of age will be requested, but what proof will be acceptable?
9. The plan of the premises indicates a central void on the first floor above a dance floor area. Is this a "balcony" style area? Is it possible for persons on the first floor to see those on the ground floor? How will the risk of items being dropped from the first floor to the ground floor be eradicated? Will polycarbonate glasses be used in the premises in the interests of safety?

Submitted for your information and consideration,

PC John Williams
Licensing Officer 'G'
Ext 51-207
Direct Line 01639 640207.
E-mail : John.B.Williams@south-wales.pnn.police.uk

Appendix 2



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol
Making a difference Gwahaniaeth er gwell

cyf

SS 42 1y

Tony John
01639 686360
08/11/2006

From **Oddi wrth**
Tel **Ffôn**
Date **Dyddiad**
Your Ref **Eich Cyf**
Our Ref **Ein Cyf**

TJ/119340

Memorandum Memorandwm

To At

TO: Licensing Section FAO Jim Sullivan

SUBJECT: Licensing Application for a Premise Licence for The Saint Oswalds, Station Road, Port Talbot

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

1. I have no adverse comments to make relating to the opening times for the licensable activities, since these seem to be in line with other premises in the vicinity.
2. I note that the applicant has carried out the recommendations made by an acoustic Consultant (section d – prevention of public nuisance) and I would ask that a copy of the report be made available along with the mitigation methods carried out.
3. Noise from entertainment has been an issue with this premise previously and in order to prevent public nuisance would suggest that a condition be applied to the licence that entertainment noise be inaudible at any noise sensitive property.
4. It is noted from the plans submitted that the exiting window to the front elevation is being altered to form double doors onto the street. I suggest that when any amplified entertainment is taking place that all windows and doors are kept closed to prevent disturbance to other premises.

Tony John
Environmental Health Officer

Appendix 3

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Page 01

Jim Sullivan
Licensing Section
Civic Centre
NEATH
SA11 3QZ

Gofynner arif Station Manager D.K. Davies
Please ask for:
Rhif Est/Extn. No. 6618
E-bost/E-mail: neathporttalbot@mawwfire.gov.uk
Fy Nghyf/My Ref: DKD/ELS/FS/504/00918
Ech Cylf/Your Ref:
Dyddiad/Date: 17th November 2006

Dear Sir,

LEGISLATION: LICENSING ACT 2003

APPLICATION FOR: PREMISES LICENSE

**RE: ST OSWALD'S PUBLIC HOUSE, 6 STATION ROAD, PORT
TALBOT, SA13 1JB**

On considering the outcomes of the fire safety audit carried out on 16th November 2006, the Fire Authority deems it necessary to make Representations in respect of the Licensing Objective of Public Safety in connection with the above application.

Enclosed is a schedule of required works issued to the above premises in respect of contraventions of fire safety legislation. The Fire Authority will enforce the requirements of the schedule. However, the schedule forms the basis of our Representations and has therefore been forwarded to you under the auspices of the Licensing Act 2003.

Yours faithfully



P R Crayford
Neath Port Talbot County Commander

THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005

- The guidance document used in reference to occupancy calculations is incorrect. Evidence that should have been referenced is Small and Medium Places of Assembly ISBN-13: 978 1 85112 820 4. Therefore, permissible occupancy factor proposed is unacceptable.
- Final exit widths as proposed on drawing 001B are to be revised in order to calculate final permissible occupancy of premises.
- The protected stairway to the front of the premises is to achieve 60 minute fire resistance to include a 60 FDS self closing door to the DJ console. Door to first floor lounge is to be 60 FDS self closing door and linked to the fire alarm system with smoke detection within the enclosure.
- Doors to the ground floor front bar area are to have 60 FDS self closers linked to the fire alarm system with smoke detection.
- Horizontal separation between first and second floors must meet 60 minute fire resistance.
- Horizontal separation between the cellar and first floor must achieve 60 minute fire resistance to ensure the means of escape from the first floor to the rear of the premises.
- The proposed use of pool tables within the ground floor rear of the premises impedes the means of escape and should be relocated/removed.
- The 60 FDS self closing door from the first floor bar area to the toilets and rear means of escape is to be linked to the fire alarm with smoke detection fitted.
- The 60 FDS self closing doors fitted to the ground floor rear prior to the final exit is to be linked to the fire alarm with smoke detection fitted.
- Emergency lighting to be fitted must include maintained fittings where appropriate.
- The final exit to the rear of the premises must be provided with a hatched no parking area directly outside the doors onto the lane. Emergency lighting fitted along with passive lighting to the laneway.
- A fire alarm system which complies with the current version of BS 5839:Part 1:Category L2 as a minimum requirement, or the equivalent European Standard, is to be provided. This is to include a sounder and smoke detection in stairway of the accommodation on the second floor

- The door leading from the first floor rear access way to the second floor is to be 60 FDS with "keep locked shut" signage applied.
- Manual call points are to be located behind the ground floor bar, first floor bar, the DJ console, within the stairway enclosure to the second floor flat and in the cellar. The removal of the proposed call point in the ground floor rear stairway enclosure would alleviate any false alarms.
- At planning stage, advice is given without full knowledge of the various factors which may arise when the premises are occupied. It is to be understood, therefore, that some further provisions may be necessary when inspected in the future.