

LICENSING (2003 ACT) SUB COMMITTEE

20TH MARCH 2007

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-200307-REP-FS-JS

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 005841 Premises Name: Hank Marvins Premises Address: Hank Marvins Cafe, Marshfield Road, Neath, Neath Port Talbot, SA11 1BD	2 - 11	Neath East

1.1. Application for Premises Licence

Ref.No.: 005841 Wards Neath East
Affected:

Premises Hank Marvins
Name:

Premises Hank Marvins Cafe, Marshfield Road, Neath, Neath
Address: Port Talbot, SA11 1BD

Applicant Miss Claire Joanna Baguley
Name:

Applicant Hank Marvins, Briton Ferry Road, Neath, SA11 1AT
Address:

DPS Name: Miss Kathryn Louise Patricia Jenkins
DPS Address: 10 Payne Street, Melyn, Neath, SA11 1SU

Application 25/01/2007
Date:

1.2 Premises Application

The applicant seeks to provide licensable activities as follows:-

Supply of Alcohol:

Monday to Sunday 7.30 - 00.00

Non-standard Timings:

New Years Eve to trade through to 6am New Years Day

Opening Hours - Standard Timings:

Monday to Saturday 07.30 - 00.30

Sunday 08.00 - 00.30

Seasonal Variations:

New Year's Eve

Non-standard Timings:

To open to public until 06.00am New Year's Day.

Live Music:

Monday to Sunday 17.30 - 23.00

Non-standard Timings:

Christmas Eve 17.30 - 00.00

Boxing Day 17.30 - 00.00

New Year's Eve 17.30 - 00.00

Valentines Day 17.30 - 00.00

Recorded Music:	Times as above.
Non-Standard Timings:	Times as above
Facilities for Dancing:	Times as above.
Non-standard Timings:	Times as above
Late Night Refreshment:	
Monday to Sunday	23.00 - 00.00
Non-standard Timings:	
New Year's Eve to trade through to 6.00am New Year's Day.	

1.3 Background Information

The premises has been refurbished into a Cafe Bar/Bistro. The premises has traded as a cafe between 07.30 - 15.30. The applicant wishes to open as a Steak House seating 44 persons providing live and recorded music, dancing facilities, late night refreshment and alcohol.

A location map of the premises is provided at appendix 4.

1.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

CCTV is installed and linked to computer which holds data up to 30 days.

Burglar alarm installed and linked to a monitoring station should it be activated.

Public Safety:

Fire exits kept clear.

All exits kept clear.

Fire alarms installed.

Smoke alarm installed.

All fitted to comply with Building Regulations and Health & Safety.

The Prevention of Public Nuisance:

Notice on door asking customers to respect residents and leave quietly.

The Protection of Children from Harm:

No children under 18 permitted unless accompanied by an adult over 21.

People under 21 must be able to prove their age e.g. driving licence/portman card.

1.5 Relevant Representations:

Responsible Authorities Representations

Environmental Health

Appendix 1

Appendix 2 – applicant response to environmental health.

Interested Parties Representations

Appendix 3

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.

11.0 Integration

11.5 The Council acknowledges that there must be proper separation of the planning, building control and licensing functions and that licensing applications will not be a re-run of the planning application.

Secretary of State's Guidance

Prevention of 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 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

The Environmental Health representations relate to the potential for public nuisance to local residents which the applicant has sought to address. Following representations by Environmental Health the applicant has indicated that there will be no amplification of live music and that recorded music will be set to a level that does not interfere with conversation.

Representations made by the interested party relate to nuisance caused by an external fan, obstruction of the vehicular access to their homes by illegal parking and by dustbins.

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 Licensing Manager

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

Wards Affected

Neath East

Appendix 1

Tony John
01639 686360
30/01/2007

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

TJ/121749

Memorandum Memorandwm

To At

TO: Licensing Section FAO Jim Sullivan

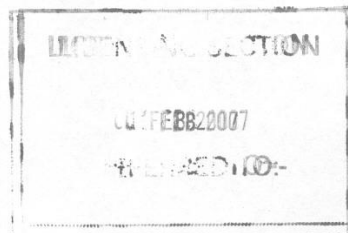
**SUBJECT: Licensing Application received for a Premise Licence at Hank Marvins,
Briton Ferry Road.**

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

1. The only part of the application that I have concerns about is the live music until 23:00.
2. These premises were previously a licensed premise which held live musical events. However, residential accommodation has now been provided on the upper floor and I am concerned that nuisance from entertainment noise will affect the upstairs residents.
3. I recommend that the applicant provide an acoustic engineers report on impact of live entertainment on upstairs residents. Any recommendations made in the report concerning additional noise insulation must be adhered to prior to any live entertainment being held.
4. All entertainment noise from the premises shall be inaudible at any residential property.



Tony John
Environmental Health Officer



Environment/ELicMemo

Social Services, Health & Housing
Gwasanaethau Cymdeithasol,
Iechyd a Thai

FM/0015

Appendix 2

LICENSING
20 FEB 2007
RECEIVED

Frank Marvins
Britton Ferry Road
Mebyn
Neath
19.02.07.

Dear Sir / Madam,

I am writing to you with reference to the concern brought up by Mr Tony John from the G.H.O. regarding "Live Music".

I would like to make perfectly clear that there will be no amplifiers or speakers used should we decide to have live music.

The only music apart from background music would be acoustic and would not interfere with our customers general conversation over their table.

I have spoken to Mr John regarding this matter and the matter has now been resolved.

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

Yours Sincerely
Elaine Ogilby.

LICENSING SECTION
20 FEB 2007
RECEIVED

Appendix 3

CONSULTATION
PEERS UP 22/2/07

6, Marshfield Road,
MAGDALENA
LICENSING SECTION
W. Glam.

15-2-07.

Dear Sir/madam,
we would like to oppose
the drinks licence which has been
applied for at "Tank Marins" cafe
in Melyn. We have experienced a
few problems with the cafe but
have so far sorted these out
amicably with the staff. These
include:-
Extractor fan turned up too high
and causing a noise problem.
Dustbins placed outside our
drive way gates.
Cafe customers parking outside
our gates (double yellow) and

preventing us getting our vehicle
out. (we have off-road parking
for 2 vehicles but cannot use it)
The so-called "disabled" are the
worst offenders, many of which are
very "able". The parking in
Marshfield Rd is becoming a joke
with no Traffic wardens on a
Sunday.
Not only would a bar next door
devalue my property substantially
and cause a noise problem at
night but would mean more
cars parked here, where are
the bottle bins going, on the
pavement I expect,
We will take this further if
necessary, Yours faithfully,
B. Thomas

Appendix 4

