

LICENSING (2003 ACT) SUB COMMITTEE

20th October 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-201005-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 002409 Premises Name: The Highlander Public House Premises Address: 2/4 Lewis Road, Neath, SA11 1EQ	2 – 6 Appendix 1 & 2	Neath East
Ref.No.: 002418 Premises Name: The Pennsylvania Public House Premises Address: 37 Briton Ferry Road, Neath, SA11 1AR	7 – 12 Appendix 3 & 4	Neath East

1.1. Licence Application for Premises Licence

Ref.No.: 002409 Wards Neath East
Affected:
Premises Name: The Highlander Public House
Premises Address: 2/4 Lewis Road, Neath, SA11 1EQ
Applicant Name: Mr Hugh Joseph Leonard
Applicant Address: The Pennsylvania, 37 Briton Ferry Road, Neath, SA11 1AR
DPS Name: Mr Hugh Joseph Leonard
DPS Address: The Pennsylvania, 37 Briton Ferry Road, Neath, SA11 1AR
Application Date: 23/08/2005

1.2 Licence Application

The applicant seeks to provide licensable activities as follows:-

Supply of Alcohol:
Monday - Sunday 08:00 - 01:00

Opening Hours:
Monday - Sunday 08:00 - 01:30

Films:
Monday - Sunday 08:00 - 01:00

Indoor Sports:
Times as above

For pool and darts tournaments.

Live Music:
Monday - Sunday 10:00 - 01:00
Indoors

Recorded Music:
Monday - Sunday 08:00 - 01:00

Background music
Indoors

Performance of Dance:
Monday - Sunday 10:00 - 01:00

Indoors

Activity like Music/Dance:
Monday - Sunday 08:00 - 01:00

Facilities for Making Music:
Monday - Sunday 10:00 - 01:00

Indoors.

Facilities for Dance:
Times as above

Indoors

Facility like Music/Dance:
Monday - Sunday 08:00 - 01:00

Late Night Refreshment:
Monday - Sunday 23:00 - 01:00

1.3 Background Information

Public house and restaurant with full licence and supper hours certificate.

End of terrace three storey building on main road.

1.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

We are currently fitting CCTV.

Strict policy on banning any persons causing trouble.

The Prevention of Public Nuisance:

All windows and doors will remain closed during live music.

Notice on exits asking patrons to leave quietly.

The Protection of Children from Harm:

As a restaurant we allow children on the premises only under strict control of parents at all times.

Children must leave by 9pm.

1.5 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

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.*

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 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.*

- 7.42As *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 police representations refer to concerns in respect of crime and disorder and the prevention of public nuisance. Restrictions of operating hours and conditions are proposed to address these issues. The Environmental Health Officer expresses concerns at the hours sought for the provision of music. He recommends restrictions and conditions to prevent nuisance arising.

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

Wards Affected

Neath East

2.1 Licence Application for Premises Licence

Ref.No.: 002418 Wards Neath East
Affected:
Premises Name: The Pennsylvania Public House
Premises 37 Briton Ferry Road, Neath, SA11 1AR
Address:
Applicant Name: Mr Hugh Joseph Leonard
Applicant The Pennsylvania, 37 Briton Ferry Road, Neath, SA11 1AR
Address:
DPS Name: Mr Patrick Joseph Leonard
DPS Address: The Pennsylvania, 37 Briton Ferry Road, Neath, SA11 1AR
Application 23/08/2005
Date:

2.2 Licence Application

The applicant seeks to provide licensable activities as follows:-

Supply of Alcohol:
Monday - Sunday 08:00 - 01:00

Opening Hours:
Monday - Sunday 08:00 - 01:30

Films:
Monday - Sunday 08:00 - 01:00

Indoor Sports:
Times as above

For darts and pool tournaments.

Live Music:
Monday - Sunday 10.00 - 01.00

Recorded Music:
Monday - Sunday 08.00 - 01.00

Performance of Dance:
Monday - Sunday 10.00 - 01.00

Activity like Music/Dance:
Monday - Sunday 08.00 - 01.00

Facilities for Making Music:
Monday - Sunday 10.00 - 01.00

Facilities for Dance:
Times as above

Indoors

Facility like Music/Dance:
Monday - Sunday 08.00 - 01.00

Late Night Refreshment:
Monday - Sunday 23:00 01:00

2.3 Background Information

Public House - 2 Storey end of terrace on main road.

2.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

Four(4) CCTV cameras already on premises on computer hard drive, approximately 14 days storage.

Public Safety:

We have instructed our staff on the correct procedures for lifting and carrying heavy items.

The Prevention of Public Nuisance:

We have erected notices on all doors exiting the property asking patrons to respect our neighbours by leaving quickly and quietly.

The Protection of Children from Harm:

We do not have children on the premises.

2.5 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 3.

Environmental Health

See Appendix 4.

Interested Parties Representations

No Representations

2.6 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 *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.

Public Safety

7.34 *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.*

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 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.*

2.7 Officer's Report

The police express concerns in respect of crime and disorder, public safety and prevention of crime and disorder. Recommendations are made that conditions be attached to any licence issued to deal with some of the issues raised.

The Environmental Health Officer makes representations in respect of prevention of public nuisance. Restrictions of hours are proposed along with other measures designed to minimise any nuisance arising.

2.8 **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

Wards Affected

Neath East