

LICENSING (2003 ACT) SUB COMMITTEE

21st September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE HEAD OF LEGAL SERVICES
– C.A. JOHN**

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1.1. Licence Application for Transitional Premises Licence

Ref.No.: 002232 Wards Port Talbot
Affected:
Premises Name: St Oswalds
Premises 6 Station Road, Port Talbot, W Glam, SA13 1JB
Address:
Applicant Name: S A Brain & Co Ltd
Applicant The Cardiff Brewery, Crawshay Street, Cardiff, CF10 1SP
Address:
DPS Name: Mr Thomas Michael Neagle
DPS Address: St Oswalds, 6 Station Road, Port Talbot, W Glam, SA13 1JB
Application 27/07/2005
Date:

1.2 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	10:00-23:00
	Sunday	Noon-22.30
	(on and off premises)	

Public Entertainment Licence

Monday to Wednesday	11:00-23.00
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Thursday to Saturday	11:00-23.00
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Sunday	Noon - 00.30
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(02:00am prior to bank holiday)

Maximum Capacity - 100

No entry / re-entry after 10:30pm / 12:30am midnight.

The above are subject to the provisions and restrictions of the Licensing Act 1964, the Local Government (Miscellaneous Provisions) Act 1982 and the standard licensing conditions for places of public entertainment.

1.3 Variation Application

Supply of Alcohol:

Monday to Wednesday	10.00 - 01.00
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Thursday to Sunday	10.00 - 03.00
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Non-standard Timings:

When there is a major sporting event or entertainment event that shall be of the stature such as International Rugby/Football World Cup,

World Title Fights, British Lions Test Matches, International Cricket or Live Aid style event.

In these such cases to open and serve alcohol 30 minutes before and 30 minutes after the event and co-join the hours should they meet or overlap. Breakfasts will be available with tea/coffees.

On the days listed below the additional (these in addition to those listed on the left column in Section M) are to be permitted for licensable activity;

A further additional hour into the morning for the following days; March 1st (St Davids Day); March 17th (St Patricks Day); Good Friday through to Easter Monday inclusive; May Day Bank Holiday weekend from Friday prior to May Bank Holiday Monday inclusive; Late May Whitsun Bank Holiday weekend from Friday prior to May Bank Holiday Monday inclusive; August Bank Holiday weekend from Friday prior to August Bank Holiday Monday inclusive.

An additional two hours into the morning every Christmas Eve 24 December and one hour additional into the morning on Boxing Day.

New Years Eve/Day hours to remain.

Opening Hours:

Monday - Wednesday	10.00 - 01.30
Thursday - Saturday	10.00 - 03.30
Sunday	10.00 - 02.30

Non-standard Timings:

As above

Films:

Monday - Wednesday	10.00 - 01.00
Thursday - Saturday	10.00 - 03.00
Sunday	10.00 - 02.00

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:

As above

Facilities for Making Music:

Times as above.

Non-standard Timings:

As above

Facilities for Dancing:

Times as above.

Non-standard Timings:

As above

Facility like Music/Dance:

Times as above.

Non-standard Timings:

As above

Late Night Refreshment:

Times as above.

Non-standard Timings:

As above

Restrictions requested to be lifted:

The applicant also seeks to remove the restrictions under s.77 Licensing Act 1964 which requires that the sale of alcohol is ancillary to the provision of substantial refreshment.

1.4 Background Information

Provided by applicant:-

Public House; with one serving bar to whole trading area.

1.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Licensee reserves right to move fire appliances.

AWP machines.

Cigarette machine and similar objects which may adversely impact on

the ability of people to use exits and escape routes.

Thirty minute drinking up time will allow appropriate dispersal of customers and use of toilets at closing time.

Licensee and all staff receive company training from initial induction onwards which covers all four licensing objectives.

The Prevention of Crime & Disorder:

Licensee/staff monitor customer behaviour with trading areas all visible from bar servery.

Burglar alarm in place with alarmed areas, doors, windows.

Regular toilet checks are in place and drug awareness training is employed with manager and staff.

Public Safety:

Health and Safety Policy including risk assessments and accident.

Book/incident book in place for staff and public.

Site equipped with fire detection and signs with a regular programme of servicing of all fire equipment.

All required testing certificates, electrical, gas P.A.T. testing all current and all available.

The Prevention of Public Nuisance:

Entrance doors have internal lobbies to reduce noise.

Main trading area windows are kept closed at any times when excessive noise could be generated at managers discretion.

Customers are encouraged to disperse in an orderly fashion during the drinking up time period.

The Protection of Children from Harm:

No children are allowed in the premises.

AWP and cigarette machines in clear view of bar servery.

1.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

Environmental Health

See Appendix 2.

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 and 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 behavior, 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.

(iii) Glasses/Bottles

Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.

7.0 Public Safety

7.5 *Certain types of premises, due to the nature of activities being provided, may give rise to a significant risk if occupancy numbers are not set. The council following representations will consider setting occupancy limits particularly in respect of the following types of premises:*

- (i) night clubs/public houses providing regulated entertainment*
- (ii) theatres*

(iii) cinemas

(iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.

7.6 The council following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to minimise crime and disorder.

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

7.0 Prevention of Public 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.*

1.8 Officer's Report

The police representations refer to the level of crime and disorder in Port Talbot town centre and indicate that extension of hours would have a negative impact on crime and disorder. Concerns in relation to public safety are also expressed along with recommendations to try to alleviate these.

Environmental Health representations relating to prevention of public nuisance indicate sporadic complaints. No increase in operating hours is recommended in view of flats and residential properties in proximity to the premises.

1.9 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

Port Talbot

2.1 Application for Transitional Premises Licence

Ref.No.: 002104 Wards Neath North
Affected:

Premises Name: Merlins
Premises Address: Albert Inn, 91-93 Windsor Road, Neath, SA11 1NS

Applicant Name: Mrs Jean Serrano
Applicant Address: Merlins, 91-93 Windsor Road, Neath, West Glamorgan, SA11 1NS

DPS Name: Mrs Jean Serrano
DPS Address: Merlins, 91-93 Windsor Road, Neath, West Glamorgan, SA11 1NS

Application Date: 25/07/2005

2.2 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	10:00 – 23.00
	Sunday	Noon – 22.30
	(On an doff premises)	

The above are subject to the provisions and restrictions of the Licensing Act 1964.

2.3 Variation Application

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

Supply of Alcohol:
Monday – Sunday 11:00 01:00

Non-standard Timings:

Customers will only be allowed to use the beer garden up to 21:00 hours when they will be asked to vacate it and take their drinks inside.

Opening Hours:
Monday – Sunday 11:00 01:30

Non-standard Timings:

Beer garden will not be in use after 21:00 hours.

Live Music:
Monday – Sunday 11:00 23:00

Recorded Music:
Monday – Sunday 11:00 01:00

Non-standard Timings:

Juke box will be switched off at 23:00 hours and replaced by unamplified background music only which is controlled behind the bar serverly.

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

The applicant also seeks to remove the restrictions relating to drinking up time.

2.4 Background Information

Provided by Applicant:

This is a 2 Storey dwelling with slate roof built of stone and brick. The 1st floor is used as Licensee's living accommodation and the ground floor comprises an open plan bar area entered via double door entry system.

To the left of the premises, not attached, is a sun bed business and to the right, attached, is a domestic dwelling. The rear of the premises is accessed via a narrow road which runs from the beginning of Windsor Rd behind the petrol station.

There is a small area outside the back entrance where customers can sit at bench/tables in the warm weather though it cannot be classed as a beer garden as it is concrete not grass.

2.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

We have made every effort to meet all 4 Licensing Objectives such as:

Drug policy notices, Personal Licence holder on premises, safety checks will be performed daily on emergency doors, all doors and windows will remain closed during the evening to prevent noise escapement.

Drugs policies will be strictly adhered to and anyone flouting this

will be reported to the police.

We have CCTV cameras in site and noise levels are present at a reasonable level to prevent disturbance outside the premises.

The Prevention of Crime & Disorder:

We have put Signs notifying our customers that we have a zero tolerance approach towards the sale, use and supply of drugs, and will, if this is breached, notify the Police immediately.

The doors will be closed and all music will stop 30 minutes before 'stop tap' thus allowing us to clear the premises as quickly and quietly as possible.

Public Safety:

All emergency doors and exits will continue to be checked daily.

Emergency lighting checks will be stepped up to twice weekly.

Anyone believed to be intoxicated will not be served.

Anyone believed to be under age will not be served and photographic proof of age will be asked for (passport, driving licence, photo ID card).

Abusive behaviour will not be tolerated either to staff or other customers and perpetrators will be asked to leave.

The Prevention of Public Nuisance:

Noise levels are controlled from behind the bar servery area and is set at a moderate level for the enjoyment of all our customers and we see no reason to higher the level in the future.

We have a "Customer Code of Practice" on display which asks customers to leave quietly as we are conscious of the near proximity of our neighbours.

The Protection of Children from Harm:

We do not encourage people to bring children into the premises as we feel it is not suitable environment for them.

We will permit them to come in during the early afternoon providing they are accompanied by a responsible adult.

2.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 3

Environmental Health

See Appendix 4

Interested Parties Representations

See Appendix 5

2.7 Policy Considerations

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

Statement of Licensing Policy

6.0 *Crime and 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

7.0 Prevention of Public 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.*

2.8 Officer's Report

The police representation refers to the proximity of the premises to the town centre being a cause for concern on crime and disorder grounds. The fact that the area is partly residential also gives rise to concerns by the police and environmental health officer that public nuisance will arise. Residents express similar concerns. Recommendations are proposed with a view to resolving these issues. Conditions/restrictions which may be attached to any licence issued will be dependent on the views expressed by the responsible authorities, interested parties and the

applicant's 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

Neath North

3.1 Application for Transitional Club Premises Certificate with Variation

Ref.No.: 002235 Wards Crynant
Affected:
Premises Name: Crynant R F C
Premises Address: 54 Main Road, Crynant, Neath, West Glamorgan, SA10 8NP
Applicant Name: Mr Barry Michael
Applicant Address: 20 Golwg Yr Graig, Crynant, Neath, West Glamorgan, SA10 8RY
Application Date: 26/07/2005

3.2 Conversion Application

The premises have operated as a registered club for many years and are entitled to a club premises certificate for 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 - Saturday	10:00 – 23.00
	Sunday	Noon – 22.30
	(on and off premises)	

The above are subject to the provisions and restrictions of the Licensing Act 1964.

3.3 Variation Application

Supply of Alcohol:	
Monday to Sunday	10.00 - 00.00

Films:	
Monday to Sunday	10.00 - 00.00

Live Music - times as above

Recorded Music - times as above

Performance of Dance - times as above

Activity like Music/Dance - times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

Facility like Music/Dance - times as above

3.4 Background Information

Provided by applicant:-

The Crynant Rugby Football Supporters Social Club is a registered members' club. It is to support the Crynant Rugby Club. It is run by an elected committee under the terms of its constitution. It currently operates within the existing hours of the Licensing Act 1964. It is a brick built building. It is built on sloping ground and the bar area is on the ground floor which is entered directly from the highway. The basement is built into the sloping ground. The basement is the cellar.

3.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The club is a registered members club. It is run by an elected committee in accordance with its constitution. The committee supports the licensing objectives the details of which are set out below.

The Prevention of Crime & Disorder:

To ensure that at all times there will be an effective and responsible manager on duty on the premises when it is open for licensable activities.

To ensure that all staff are trained.

To ensure that all staff are properly supervised.

To organise the lay-out and the location of various pieces of equipment within the premises so that equipment can be properly monitored and where necessary, properly controlled e.g. cash registers away from patrons and gaming machines within view of staff.

To ensure that staffing levels are adequate to maintain a safe environment.

To ensure that all staff are aware that those who are heavily intoxicated or disorderly are managed in such a way that they will not be a harm to staff patrons or themselves.

To ensure that all members of staff are vigilant to prevent the use or supply of illegal drugs.

To ensure that all staff are mindful of the problems of under age drinking and when in doubt to request age identification by reference to driving licence or passport.

To maintain a similar policy to the above paragraph with regard to the sale of tobacco.

To ensure that staff prevent glasses and bottles being brought into or out of the premises by patrons.

To ensure that there is a provision for regular collection of glass and bottles.

To ensure that where the consumption of alcohol is likely to be in the open air that consideration is given to the use of toughened or plastic vessels and notices to this effect are placed near the exits.

To ensure that all staff will report to the relevant authorities (the police and the Council) anyone dealing with illegal drugs or where illegal drugs are found on the premises.

To ensure that staff do not permit entry or where they have entered shall not serve anybody who is heavily intoxicated or seems to be under the influence of drugs.

To reserve the right to search patrons on entry to the premises.

To provide notices as appropriate in connection with under age drinking etc.

To ensure that all members of staff are mindful of the above objectives, not only insofar as the licensed premises is concerned but also to consider those who live or work within the vicinity of the premises or are passing by.

Public Safety:

To Ensure that the premises does not become overcrowded.

To ensure that means of escape in the event of fire or other emergency are always kept clear.

To ensure that the staff are informed about safe evacuation procedures.
To Ensure that the disabled or infirm are able to evacuate the premises.

To provide a sufficient number of people employed or engaged to secure the safety of the premises and its patrons.

To provide appropriate instruction training and supervision of those employed or engaged to secure the safety of the premises and patrons including the disabled and infirm

To ensure that all appliances and systems pertinent to safety are tested on a regular basis that a written record of the tests are kept and will be available to all relevant authorities.

To provide toughened or plastic drinking vessels if patrons (where appropriate) consume drink outside the premises and to ensure that notices are displayed at the exits.

The Prevention of Public Nuisance:

To ensure that noise from amplified music does not have an adverse impact on those living or working in the vicinity of the premises eg closing windows and doors.

To ensure that staff are made aware of the steps that are to be taken should there be any disorderly conduct on the premises e.g. to ask disorderly persons to leave but at the same time to alert the relevant authorities.

To ensure that patrons arriving and leaving by taxi and minibuses are reminded that they should do so without disturbing the residents and those who work in the vicinity of the premises and to suggest that they avoid using horns etc.

To consider whether any light pollution is caused by lighting appliances at the premises and if so, to minimise light pollution.

To ensure that any refuse is stored and disposed of appropriately.

To be mindful of those who live and work in the vicinity when disposing of empty bottles or when deliveries are being made.

The Protection of Children from Harm:

To ensure that staff are aware that it is prohibited to sell alcohol to children.

To ensure that staff are aware that it is prohibited to sell tobaccos to children.

To ensure that any child on the premises is accompanied by a responsible adult.

Where films or television are available to ensure if children are in the premises that the films are in accordance with the recommendations of the British Board of Film Classifications.

To request proof of age where there is any doubt as to the age of anyone at the premises

To display restrictions on admission of children and sale alcohol and tobaccos.

To provide a non smoking area.

3.6 Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 6

Interested Parties Representations

No representations

3.7 Policy Considerations

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

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

7.0 Prevention of Public 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.

3.8 Officer's Report

The environmental health officer's comments relate to prevention of public nuisance. The proposed extension of hours during which regulated entertainment is provided is seen as a source of noise nuisance in view of the proximity of residential properties. He suggests that hours should be restricted to resolve these matters.

3.9 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

Crynant

4.1 Application for Transitional Club Premises Certificate with Variation

Ref.No.: 002286 Wards Seven Sisters
Affected:
Premises Name: Nant y Cafan Social Club
Premises Address: Dulais Road, Seven Sisters, Neath
Applicant Name: Mr William Thomas Williams
Applicant Address: 86 Dulais Road, Seven Sisters, Neath, SA10 9ES
Application Date: 29/07/2005

4.2 Conversion Application

The premises have operated as a Registered Club for many years and are entitled to a Club Premises Certificate for 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	10.00 – 23.00
	Sunday	noon - 22.30

The above are subject to the provisions and restrictions of the Licensing Act 1964.

4.3 Variation Application

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

Supply of Alcohol:	
Sunday - Thursday	10:00 00:00
Friday & Saturday	10:00 01:00

Live Music:	
Sunday - Thursday	10:00 00:00
Friday & Saturday	10:00 01:00

Recorded Music:
Times as above
Indoors

Facilities for Making Music:
Times as above

Indoors

Bands and Discos. Live acoustic/amplified music and recorded music.

Facilities for Dance:

Times as above

Indoors

4.4 Background Information Provided by Applicant

Social Club

4.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Complies with all Regulations of the Licensing Act

Social Club in small community

The Prevention of Crime & Disorder:

As above

Public Safety:

As above

The Prevention of Public Nuisance:

As above

The Protection of Children from Harm:

As above

4.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 7

Environmental Health

See Appendix 8

Interested Parties Representations

No Representations

4.7 Policy Considerations

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

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

7.0 Prevention of Public 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.*

4.8 Officer's Report

The representations refer to the prevention of public nuisance, due to the proposed opening hours, the location of the premises, and the provision of regulated entertainment. Restriction of hours and conditions are proposed to deal with these matters.

Members can consider these along with any other relevant conditions which are seen as necessary, after hearing the representations and applicants submission.

4.9 Recommendation

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

List of Back ground Papers

Application of Premises Licence

Officer Contact

J Sullivan - Principal Officer Licensing

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

Wards Affected

Seven Sisters

5.1 Application for Transitional Club Premises Certificate with Variation

Ref.No.: 002308 Wards Blaengwrach
Affected:
Premises Name: Cwmgwrach RFC
Premises Heol Y Felin, Cwmgwrach, Neath, SA11 5TB
Address:
Applicant Name: Mr Reginald John Jenkins
Applicant 3 Fothergill Road, Cwmgwrach, Neath, SA11 5PN
Address:
Application 29/07/2005
Date:

5.2 Conversion Application

The premises have operated as a registered club for many years and are entitled to a club premises certificate for 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	10.00 – 23.00
	Sunday	noon - 22.30

The above are subject to the provisions and restrictions of the Licensing Act 1964.

5.3 Variation Application

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

Sale of Alcohol:

Monday to Thursday	11.00 - 00.00
Friday to Saturday	11.00 – 01.00

Seasonal Variations

The premises will close 30 minutes after last orders are served/supplied within the authorised hours (para 6.13 DCMS guidance under s182 L.A 2003)

Non Standard Timings

Christmas day 11.00 to 15.00 and 19.00 to 23.00
New Years Eve 11.00 to 23.00 on new years day

Indoor sporting Events

Wednesday	19.30 – 23.00
Friday	19.30 – 23.00
Sunday	19.30 – 23.00

Further Details

Pool Matches, darts matches (league/club competition) Quiz nights.

Season Variations

Same hours but possibly on different nights as determined by the darts and /or pool management.

Live Music:

Thursday to Saturday	20.00 – 00.00
Sunday	20.00 – 23.00

Indoors

Recorded Music:

As above
Indoors

Further details

Discos/dances in function room/hall and sequence/old time dances.

Provision of Facilities for Dancing:

As above
Indoors

Further Details

Dances in function room/hall for members and guests to live and/or recorded music.

5.4 Background Information

Provided by Applicant:-

The freehold premises comprising, the clubhouse - a single storey building consisting of games room; bar; lounge and function room/hall with raised stage. It also has male and female toilets; kitchen; storeroom and cellar.

5.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The Officers, Committee and Bar Staff are fully conversant with the Licensing Objectives.

The management have, and will continue to strictly supervise and control the members and visitors.

The Prevention of Crime & Disorder:

Club rules dictate conduct of members within, and in the vicinity of the club. Admission is confined to members and guests, any misconduct is a disciplinary issue. The premises are chubb alarmed. The management regularly collect glasses and are reverting to

toughened/plastic glasses, the club strictly enforces proof of age policy.

Public Safety:

The club complies with fire and health and safety regulations and has recently been passed following application for renewal of its club certificate.

Notices in respect of fire action and equipment, and also emergency exits are prominently displayed.

The club adheres to the advised capacity limits.

The Prevention of Public Nuisance:

Members and guests are reminded of the need to respect residents peace on leaving.

The volume of live and/or recorded music is controlled to avoid disturbing residents.

The Protection of Children from Harm:

Persons under 18 must be accompanied by parents/responsible adults (e.g. youth team managers/officials)

The club strictly operated proof of age policy via its officers committee men and bar staff. Membership is confined to over 18's.

5.6 Relevant Representations:

Responsible Authorities Representations

Police

See appendix 9

Environmental Health

See appendix 10

Interested Parties Representations

No Representations

5.7 Policy Considerations

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

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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- 7.42 *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.*

5.8 Officer's Report

The potential for public nuisance is raised by the Police and Environmental Health Officer.

Amendments to the hours sought on the weekend are proposed which will reduce significantly the likelihood of nuisance arising.

These should be considered along with any other proposals once all submissions have been heard.

5.9 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

Blaengwrach