

LICENSING & GAMBLING ACTS SUB COMMITTEE
21st October 2008

DIRECTORATE OF FINANCE AND CORPORATE SERVICES
REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES
– D.MICHAEL

INDEX OF REPORT ITEMS

PART 1–Doc.Code: LICAS-211008-REP-FS-DM

SECTION A – MATTERS FOR DECISION			
Report Item		Page Nos	Wards Affected
1.0 Application for variation of a Premises Licence			
Reference Number	008417	2-9	Pontardawe
Name Address	Flames 21 High Street, Pontardawe, Swansea SA8 4HU		

1.1 Application for Variation of Licence

Ref.No.:	008417	Wards Affected:	Pontardawe
Premises Name:	Flames		
Premises Address:	21 High Street, Pontardawe, SA8 4HU		
Applicant Name:	Mr Ali Unlutepe		
Applicant Address:	21 High Street, Pontardawe, SA8 4HU		
DPS Name:	N/A		
DPS Address:	N/A		
Application Date:	16/8/08		

1.2 Current Licence

Opening hours for Late Night refreshment

Sunday to Thursday 23.00 – 00.20
Friday & Saturday 23.00 – 01.20

Late night refreshment

Sunday to Thursday 23.00 – 00.00
Friday & Saturday 23.00 – 01.00

Licence Conditions

- A nominated responsible person must ensure that adequate provision has been made to enable, in the event of any emergency the safe evacuation of disabled as well as able bodied persons.
- Provide prominent signs throughout the premises and at all exits requesting patrons to leave in a quiet and orderly manner so as to minimise impact on local residents.

1.3 Variation Application

Opening hours for late night refreshment

Monday to Thursday	23.00 – 00.20
Friday & Saturday	23.00 – 03.20
Sunday	23.00 – 01.20

Late night refreshment

Monday to Thursday	23.00 – 00.20
Friday & Saturday	23.00 – 03.00
Sunday	23.00 – 01.00

1.4 Background Information

Mid terraced property consisting of ground floor takeaway area.

1.5 Promotion of Licensing Objectives

The Prevention of Crime and Disorder

- Maintain and continue to use CCTV camera on the premises

The Prevention of Public Nuisance

- Put public notices to prevent customers not to make too much noise to disturb people in the area.

1.6 Relevent Representations

Responsible Authorities

Mr Tony John - Environmental Health Officer, Neath Port Talbot CBC
The Environmental Health Officer's representation is reproduced at appendix 1.

PC Gareth Jones – South Wales Police
The Police representation is reproduced at appendix 2

Interested Parties

None

1.7 Policy Considerations

Licensing Policy

6.2 The Council acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The Council expects the licensing trade to fully co-operate and play its part in minimising crime and disorder.

8.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The Council wishes to maintain and protect the amenity of residents and businesses from potential consequence of the operation of licensed premises. However it also recognises the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.

8.2 The Council will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be determined by the style and characteristics of the premises and events.

Secretary Of States Guidance

2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

2.34 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.

1.8 Officer Report

The representations from the Environmental Health Officer and the Police relate in the main to the likely increase in crime and disorder and noise nuisance in the proximity of the premises.

Members will be aware that an application to extend opening hours by the previous owners of Flames was considered in August 2007. Representations were received from the South Wales Police and the Environmental Health Officer.

Members determined that any extension of hours at the premises would be inappropriate and contrary to the objectives of the prevention of public nuisance and the prevention of crime and disorder. The application was therefore refused.

Recommendation

That members determine the application after hearing all submissions

List of Background Papers

Application for variation of a Premises Licence.

Officer Contact

J Sullivan Licensing Manager

Tel (01639) 763056 email j.sullivan@npt.gov.uk

Wards Affected

Pontardawe



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol

Making a difference Gwahaniaeth er gwell

Mr Tony John From **Oddi wrth**
Tel **Ffôn**
01639 685630 Date **Dyddiad**
05/08/2008 Your Ref **Eich Cyf**
Our Ref **Ein Cyf**
TJ/142359

Memorandum **Memorandwm**

To At

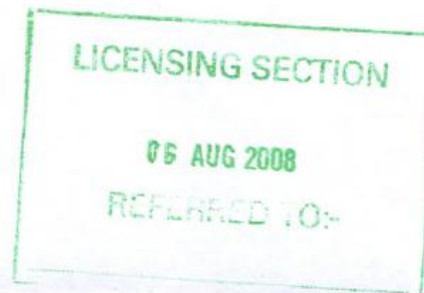
TO: Licensing Section FAO Jim Sullivan

**SUBJECT: Licensing Application received for a variation at 21 High Street,
Pontardawe**

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

1. The adjoining premise is let as a number of flats by a housing association.
2. Due to the likely disturbance to adjoining residents from patrons late at night I recommend that the current opening times be maintained and that the variation application be refused.

Mr Tony John
Environmental Health Officer





Port Talbot Police Station,
Station Road,
Port Talbot,
"G" BCU.

Wednesday 20th August 2008.

Mr J M Sullivan,
Principal Licensing Officer,
Neath Port Talbot Council.

Sir,

**RE: Application to vary a premises licence under Section 34 of the
Licensing Act 2003.**

I am in receipt of an application to vary a premises licence for extended hours on the weekend for the below mentioned premises: -

Name: **Dolphins Fish Bar,
(Also known as Flames),**

Address: **21 High Street,
Pontardawe,
Swansea.**

Premises Licence No **002750**

As you are aware Mr Ali Unlutepe the premises licence holder of the above-referred premises has made an application to the Neath Port Talbot Licensing Office to vary the premises licence for extended late night opening hours on weekends, namely until 03:00 hours on Saturday and Sunday mornings and 01:00 hours on Monday mornings.

I would like to make the following objections to this application on behalf of the Chief Officer of Police on the following grounds:

To permit the premises to remain open until these times is far beyond other premises serving food in the immediate area and it is feared that to allow the premises to open to such a time would cause the potential for crime and disorder and public nuisance.

Cont'd

Appendix 2

It is felt in allowing this application it would make the area which has residential properties adjacent to it, a magnet for the patrons from late night "nightclub" type venues. Many of whom will be heavily intoxicated, loud and disorderly.

The Police would also like to point out that at other venues which are open to the public at such times it is a legal requirement that customers are supervised by Security Industry Agency (SIA) qualified door supervisors and security staff in the interests of the prevention of crime and disorder and the promotion of public safety

It appears the above-referred application has not taken these factors into consideration.

Recently in the Pontardawe Partnerships and Communities Acting Together (PACT) Meeting Residents in close vicinity to the above-referred premises have complained about the noise, nuisance of people urinating in the street and leaving glasses and bottles on their windows.

It is felt that in allowing this application it will prolong the potential for social disturbance which encompasses vehicular and pedestrian noise as well as public order, assault and criminal damage related incidents.

The above information is submitted for your perusal and consideration.

Yours Faithfully

Gareth

Jones

Police Constable 2166
Licensing Officer