

LICENSING (2003 ACT) SUB COMMITTEE

22nd March 2006

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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Ref.No.: 002811 Premises Name: Miners Arms Premises Address: Old Road, Skewen, Neath, SA11 6AR	6-7	Coedffranc Central

1.1. Application for Club Premises Certificate

Ref.No.: 003311 Wards Briton Ferry
Affected: East

Premises Briton Ferry A.F.C
Name:

Premises The Old Ground, Old Road, Briton Ferry, Neath, SA11
Address: 2HA

Applicant Mr Martyn Thomas
Name:

Applicant 85 Glannant Way, Neath, West Glamorgan, SA11 3YW
Address:

Application 26/01/2006
Date:

1.2. Licence Application

Supply of Alcohol:
Monday to Thursday 10.00 - 23.00
Friday to Sunday 10.00 - 00.00
Non-standard Timings:
Christmas Eve, Boxing Night and New Year's Day 10.00 to 00.00

Opening Hours - Standard Timings:
Monday to Thursday 10.00 - 23.00
Friday to Sunday 10.00 - 00.00
Non-standard Timings:
Christmas Eve, Boxing Night and New Year's Day 10.00 to 00.00

1.3. Background Information

Association football club clubhouse.

1.4. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four Licensing Objectives:

The Club's committee members are mindful of the licensing objectives and take the steps outlined hereunder to achieve those objectives.

The Prevention of Crime & Disorder:

Committee members are present during opening hours to provide security. Adherence to capacity limits. No happy hour.

Public Safety:

Emergency exits and fire alarms are in place. Premises are equipped with emergency lighting. Safety capacities are adhered to.

The Prevention of Public Nuisance:

Committee members present to ensure all patrons depart in as quiet a manner as possible. Door/exit areas of premises have notices posted requesting patrons to depart in a quiet and orderly fashion.

The Protection of Children from Harm:

Strict policy on underage drinking: if any doubt as to whether a customer is 18 years old then service is refused. No children allowed in the premises unless accompanied by an adult.

1.5. Relevant Representations:

Responsible Authorities Representations

Fire

See Appendix 1.

Interested Parties Representations

No representations.

1.6. Policy Considerations

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

Public Safety

7.1 *The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.*

7.2 *Each of these types of premises present a mixture of risks, with*

many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

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.*
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature*
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)*
- Customer profile (e.g. age, disability)*
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.*

7.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments*
- Effective and responsible management of premises both within and in the vicinity of the premises.*
- Provision of a sufficient number of people employed or engaged
to secure the safety of the premises and patrons*
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and all patrons including the disabled and infirm.*
- Adoption of best practice guidance (e.g. Guide to Fire*

Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA BS 5588 part 8 means of escape for disabled persons).

- *Provision of effective CCTV in and around premises*
- *Provision of toughened or plastic drinking vessels*
- *Implementation of crowd management measures*
- *Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc pertinent to safety*

7.7 *The council will also consider attaching any other relevant conditions to licences and permissions to promote safety and these may include conditions drawn from the Model Pool of Conditions relating to public safety. (Appendices 2 & 2a).*

1.7. Officer's Report

The representations relate exclusively to the public safety objective. Significant measures have been required by the Fire Officer to meet with the objective. It is submitted that these requirements need to be addressed in full before any licence is granted.

1.8. Recommendation

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

List of Background Papers

Application for Club Premises Certificate.

Officer Contact

J Sullivan Principal Officer Licensing

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

Wards Affected

Briton Ferry

Licensing Act 2003

Premises Licence –Appeal to Magistrates Court

Ref.No.:	002811	Wards Affected:	Coedffranc Central
Premises Name:	The Miners Arms		
Premises Address:	Old Road, Skewen, Neath. SA10 6AR		
Applicant Name:	Enterprise Inns Plc		
Applicant Address:	3 Monkspath Hall Road, Solihull, West Midlands. B90 4SJ		
Application Date:	8/12/2005		

Background

The above premises were granted a premises licence by this Committee on 23rd January 2006.

The licence was granted subject to conditions and in particular the following conditions:-

The ground floor capacity to be no more than 50 persons, the first floor function room to be no more than 50 persons. The total capacity no more than 100 persons.

Members will recall that the capacity in was discussed in some detail by the Licensing Officer, the Police and Fire Officer at the meeting and these figures were proposed after a previous discussion with the applicants representatives by the Police and Fire Officer.

An appeal was lodged with the magistrates against the above conditions on the basis that the capacity figure for the ground floor was not agreed by the applicant and the applicant was not present at the hearing.

The magistrates were advised that agreement had subsequently been reached between the applicant and the responsible authorities as to what was considered to be an appropriate figure.

As a result of this, the magistrates remitted the matter back to this committee for decision.

Representations

Responsible Authorities

Fire Officer

See Appendix 2.

Police

See Appendix 3.

Recommendation

That members determine the application after considering all submissions.

List of Background Papers

Application file
Summons from Magistrates Court
Decision Letter from Magistrates Court

Officer Contact

J Sullivan Principal Officer Licensing
Tel (01639) 686326 email j.sullivan@npt.gov.uk

Wards Affected

Coedffranc Central