

LICENSING (2003 ACT) SUB COMMITTEE

22nd August 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 with variation

Ref.No.: 001877 Wards Pontardawe
Affected:

Premises Name: The Other Place
Premises 9 Ynysderw Road, Pontardawe, Swansea, SA8 4EG
Address:

Applicant Name: Mr Andrew Davies
Applicant The Other Place, 9 Ynysderw Road, Pontardawe, Swansea, SA8
Address: 4EG

DPS Name: Mr Andrew Davies
DPS Address: The Other Place, 9 Ynysderw Road, Pontardawe, Swansea, SA8
4EG

Application 05/07/2005
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 Sale of alcohol	Monday to Saturday	10.00am - 11.00pm
	Sunday	Noon - 10.30pm
	(on and off premises)	

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

1.3. Variation Application

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

Supply of Alcohol:
Monday to Sunday 10.00 - 01.00

Non-standard Timings:
The supply of alcohol will be available throughout the night until normal opening hours on New Year's Day, in line with the existing de-regulation.

Patrons sitting at the outside tables will only be permitted to drink alcohol until 9pm each day.

Opening Hours:

Monday to Sunday 10.00 - 01.30

Non-standard Timings:

For New Year's Eve, the premises will be open to the public throughout the night until normal opening hours on New Year's Day, in line with current de-regulation.

Customers will not be permitted to use the outside table and benches beyond 9.00pm on any day.

Plays:

Monday to Sunday 10.00 - 00.00

Films - times as above

Indoor Sports - times as above

Non-standard Timings:

Indoor sporting events will be permitted on New Year's Eve throughout the night until the start of permitted hours on New Year's Day, in line with the current de-regulation.

Live Music:

Monday to Sunday 10.00 - 01.00

Non-standard Timings:

For New Years Eve, live music may be provided until 2.00am. For Good Friday, in line with all other Fridays, until 1.00am in the front bar and midnight in the function/dining room.

Recorded Music - times as above

Non-standard Timings:

For New Years Eve, recorded music may be provided until 2.00am. For Good Friday, in line with all other Fridays, until 1.00am in the front bar and midnight in the function/dining room.

Performance of Dance - times as above

Non-standard Timings:

For New Years Eve, performance of dance will be permitted until 2.00am. For Good Friday, in line with all other Fridays, until 1.00am in the front bar and midnight in the function/dining room.

Activity like Music/Dance - times as above

Non-standard Timings:

For New Year's Eve, karaoke may be provided until 2.00am. For Good Friday, in line with all other Fridays, until 1.00am in the front bar and midnight in the function/dining room.

Facilities for Dancing:

Monday to Sunday 10.00 - 00.00

Non-standard Timings:

Facilities for dancing will be available on New Year's Eve until the normal start of business on New Year's Day. For Good Friday, in line with all other Fridays, until 1.00am in the front bar and midnight in the function/dining room.

Late Night Refreshment:

Monday to Sunday 23.00 - 01.00

Non-standard Timings:

On New Year's Eve, late night refreshment will be available continually until normal hours on New Year's Day, in line with the existing regulation.

N. B

All regulated entertainment in the dining /function room will close at midnight. The applicant is also seeking to remove the following restrictions:-

- (1) That only up to two persons can provide entertainment in the function/dining room.
- (2) The removal of the restriction that music and dance is not permitted on Good Friday.
- (3) The removal of the embedded restrictions attached to the current public entertainment licence, including the requirement for a yearly electrical certificate.

1.4. Background Information

The premises is a detached property of brick and stone construction.

The premises are divided internally into a front bar area and a rear function/dining room with a stage area. Both areas benefit from a servery from which the licenced areas can be readily supervised.

To the outside of the premises there is a small area set aside for tables and benches.

1.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives

The premises is an active member of the Pontardawe Pubwatch Scheme, and abides by the rules and decisions of the scheme.

All staff will be trained as to the standards required by the Designated Premises Supervisor, and there are two other Personal Licence Holders suitably qualified, being the holders of the BII Certificate.

Irresponsible sales promotions such as "two-for-one" or "pay for entry all you can drink for free" will not be undertaken.

The premises will be open to the public for 30 minutes after the last sale of alcohol, to allow a period for what is now referred to as "drinking up" time.

Beyond the time when alcohol sales are permitted, no person will be allowed to remove alcohol from the premises, and off-licence sales will not be permitted.

The Prevention of Crime & Disorder

The premises is covered by CCTV, and can be well supervised by staff located at each of the servery areas.

Any customer at the premises may be subject to a search as a condition of entry to the premises.

Any illegal activity or seizures made as a result of a search will be reported to the Police. Any evidence of such activity will be made available to the police.

The use of illicit substances will not be tolerated, and staff are instructed accordingly.

Public Safety

The premises will have fire safety equipment as per the requirements of the Fire Authority, and Fire exits will be properly maintained, free from obstruction and marked in accordance with current best practice.

A regular risk assessment will be undertaken in respect of safety issues, and all staff will be instructed on safety and evacuation procedures in the event of an incident.

In the event of an incident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

All fire and safety systems will be regularly tested, and a record of those tests will be kept on the premises for inspection.

Regular glass collection at outside areas will be undertaken to remove items causing litter and a potential safety risk.

During times when the outside tables and chairs are in use these will be regularly visited by staff to ensure adequate supervision.

The Prevention of Public Nuisance

During the time when entertainment is provided, equipment will be fitted with a sound limiter, and all doors and windows will remain closed in order to reduce the amount of sound from the premises.

The premises will not encourage high volume drinking, the density of persons permitted in the premises is far less than that which would be expected for a "high density vertical drinking" environment.

Music and dance will only be provided in the function/dining room to pre-arranged private functions. There will be no public admittance by payment or otherwise to such events.

The area of tables to the outside of the premises will be vacated by customers at 9.00pm as instructed by staff, to reduce annoyance to residents. This area will be regularly supervised by staff to ensure behaviour standards are met and to minimise the risk of any annoyance.

Signage will be placed at the exits requesting noise levels be minimised by customers leaving the premises, and that respect is given to residents in the area.

"Bottling up" and disposal of refuse will not be undertaken at the close of business to reduce nuisance.

In the event of any disorder, persons will be required to leave the premises, if necessary with the assistance of the Police, and other premises in the area will be informed of the details immediately so that appropriate preventative steps can be taken.

Customers will not be permitted to remove any form of drinking vessel from the area of the licensed premises. Any off-licence sales will be made in closed vessels.

The Protection of Children from Harm

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible adult.

Children will only be permitted during any film or entertainment in accordance with any age restriction on that film or entertainment.

Proof of age will be required from any person who appears to be under the age of 18 years.

Proof of age will be by photographic drivers licence, passport or other official photographic I.D.

Children will not be permitted in the premises beyond 22.00 on any day, and beyond midnight when an area of the premises is being used for a private function.

1.6. Relevant Representations:

Responsible Authorities Representations

Environmental Health

Please see Appendix 1.

1.7. Interested Parties Representations

Representations are reproduced at Appendix 2.

1.8. 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.*

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.*

1.9. Officer's Report

The location of the premises in a residential area is highlighted by numerous representations made by residents of the area, in respect of noise and social disturbance. The Environmental Health Officer also makes representations relating to the impact of amplified music and social disturbance from the premises. Consideration will need to be given as to whether the proposal to extend hours and music is appropriate for this area. Extensive conditions can also be considered to deal with the issue of noise nuisance and social disturbance if members are of the opinion that they will be effective and adequate.

It is submitted that the recommendations of the Environmental Health Officer could be the basis of any licence conditions.

1.10. 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

Pontardawe

2.1 Licence Application for Transitional Premises Licence with variation

Ref.No.: 001740 Wards Cwmllynfell
Affected:
Premises Name: Y Boblen
Premises 24 Bryn Road, Cwmllynfell, Swansea, SA9 2FJ
Address:
Applicant Name: Mr Vernon Thomas Griffiths
Applicant Y Boblen, 24 Bryn Road, Cwmllynfell, Swansea, SA9 2FJ
Address:
DPS Name: Mr Vernon Thomas Griffiths
DPS Address: Y Boblen, 24 Bryn Road, Cwmllynfell, Swansea, SA9 2FJ
Application 27/06/2005
Date:

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 Sale of alcohol	Monday to Saturday	10.00am - 11.00pm
	Sunday	Noon - 10.30pm
	(on and off 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 to Sunday 08:00 02:00

Non-standard Timings:
Beer garden close at 22:30 hrs.

Opening Hours:
Monday to Sunday 08:00 02:30

Films:
Monday to Sunday 12:00 23:00

Indoor Sporting Events:
Monday to Sunday 12:00 00:00

Live Music - times as above
Seasonal Variations:
Midweek possibility over Christmas and New Year period.

Recorded Music:
Monday to Sunday 10:00 02:00

Activity like Music/Dance:
Monday to Sunday 12:00 02:00

Facilities for Dancing:
Monday to Sunday 18:00 02:00

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

The applicant also seeks the removal of the requirement that alcohol be served only with a substantial meal in the restaurant (restaurant licence).

2.4 Background Information

The premises is a public house situated on the edge of the village. It comprises one open plan l-shaped bar with separate dining area with enclosed beer garden in the front of the premises.

2.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives

The premises will continue to be run in a fit and proper fashion.

The Prevention of Crime & Disorder

Ensure that there will be a responsible manager on duty at all times when the premises is open for licensable activities.

Reserve the right to search patrons on entry to the premises.

Provide notices as appropriate in connection with underage drinking.

Public Safety

Ensure that the premises does not become overcrowded.

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

The provision of effective CCTV in and around the premises.

The Prevention of Public Nuisance

Ensure that patrons arriving and leaving by taxi and minibus keep noise levels to a minimum - no horns etc.

Ensure that any refuse and bottles are stored and disposed of appropriately.

Take appropriate steps to avoid any noxious smells.

The Protection of Children from Harm:

Request proof of age where there is doubt as to the age of anyone at the premises.

Ensure that staff are aware that it is prohibited to sell alcohol and tobacco to children.

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

2.6. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 3.

Interested Parties Representations

No representations.

2.7. Policy Considerations

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

Statement of Licensing Policy

6.0 *Crime & Disorder*

(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.

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 Public Nuisance

- 1.11 *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.*
- 1.12 *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.*
- 1.13 *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

Representations made by the police refer to concerns in respect of public nuisance and a potential impact on public safety and crime and disorder.

The provision of alcohol and entertainment until 02.00 may give rise to problems with social disturbance and amplified music.

The usage of the outside drinking area is covered by the statement of policy which indicates that plastic vessels should be used in the area.

To prevent disturbance to residents, a restriction is proposed on the hours of operation for the outside area, and some basic housekeeping measures for prevention of nuisance from amplified music.

The nature and extent of any conditions attached should reflect the location and nature of the premises and its potential for disturbance.

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

Cwmllynfell

3.1. Licence Application for Transitional Premises Licence with variation

Ref.No.: 001759 Wards Neath North
Affected:
Premises Name: Star Inn
Premises Address: 83 Penydre, Neath, West Glamorgan, SA11 3HF
Applicant Name: Mr Peter John Rees
Applicant Address: Star Inn, 83 Penydre, Neath, West Glamorgan, SA11 3HF
DPS Name: Mr Peter John Rees
DPS Address: Star Inn, 83 Penydre, Neath, West Glamorgan, SA11 3HF
Application Date: 29/06/2005

3.2. 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 Sale of alcohol	Monday to Saturday	10.00am - 11.00pm
	Sunday	Noon - 10.30pm
	(on and off premises)	

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

3.3. Variation Application

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

Supply of Alcohol:
Monday to Sunday 10:00 00:00

Non Standard Timings
The licensable activities will terminate in the beer garden at 22.30hrs.

Opening Hours:
Monday to Sunday 10:00 00:30

Non-standard Timings:
Residents will be able to avail themselves of the facilities on a 24 hour basis.

Films:

Monday to Sunday 10:00 00:00

Live Music - times as above

Recorded Music - times as above

Non-standard Timings:

The licensable activities will terminate in the beer garden at 10:30pm
i.e. 22:30 hours.

Activity like Music/Dance - times as above

Non-standard Timings:

The licensable activities will terminate in the beer garden at 10:30pm
i.e. 22:30 hours.

Facilities for Making Music - times as above

Non-standard Timings:

The licensable activities will terminate in the beer garden at 10:30pm
i.e. 22:30 hours

Facility like Music/Dance - times as above

Late Night Refreshment:

Monday to Sunday 23:00 00:00

3.4. Background Information

The Star Inn is a typical public house. It is a two storey stone built building with beer garden to the rear and car park to the side. The licensed facilities are on the ground floor. It is run by the proprietor and the licensing hours are as per the normal licensing hours currently operating in the Neath Port Talbot area as granted by the licensing committee for the petty sessional division of Neath. It has a full justices licence for the consumption of alcohol both on and off the premises to member of the public without restrictions.

3.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives

The Prevention of Crime & Disorder

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

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

Public Safety

To ensure that the premises does not become overcrowded.

To ensure that the disabled or infirm are able to evacuated the premises.

To provide toughened or plastic drinking veseels if patrons (where appropriate) consume drink outside the premises.

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 e.g. closing windows and doors.

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.

The Protection of Children from Harm

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

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 of alcohol and tobaccos.

3.6. Relevant Representations:

Responsible Authorities Representations

Police

Please see Appendix 4.

Environmental Health

Please see Appendix 5.

3.7. Interested Parties Representations

No representations.

3.8. Policy Considerations

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

Statement of Licensing Policy

6.0 Crime & Disorder

(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.

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 *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.

3.9. Officer's Report

The concerns raised in the representations relate in the main to the use of an outside area. There is significant potential for disturbance to residents. However, it is submitted that these issues can be resolved by appropriate conditions, to prevent public nuisance arising.

3.10. 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

Application for Premises Licence.

Officer Contact

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

Wards Affected

Pontardawe