

LICENSING (2003 ACT) SUB COMMITTEE

22nd 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.: 002154 Wards Baglan
Affected:

Premises Tyn Y Twr Tavern
Name:

Premises Tyn Y Twr Road, Baglan, Port Talbot, West
Address: Glamorgan, SA12 8YB

Applicant Mr Roger Edward Nicholls
Name:

Applicant Tyn y Twr Tavern, St. Illtyds Drive, Port Talbot
Address:

DPS Name: Mr Roger Edward Nicholls
DPS Address: Tyn y Twr Tavern, St. Illtyds Drive, Port Talbot
Application 25/07/2005
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	10:00am - 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 a follows: -

Supply of Alcohol:
Times as above.

Opening Hours - Standard Timings:
Monday - Thursday 11.00 - 00.15
Friday & Saturday 11.00 - 00.45
Sunday 11.00 - 00.15

Indoor Sporting Events:

Tuesday	18.00 - 00.00
Thursday	18.00 - 00.00
Sunday	18.00 - 00.00

Live Music:

Monday	17.30 - 20.30
Friday	21.30 - 00.00
Saturday	21.30 - 00.00

Recorded Music:

Monday - Thursday	11.00 - 00.00
Friday & Saturday	11.00 - 00.30
Sunday	11.00 - 00.00

Activity like Music/Dance:

Wednesday	18.00 - 00.00
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Facilities for Making Music:

Monday - Thursday	11.00 - 00.00
Friday & Saturday	11.00 - 00.30
Sunday	11.00 - 00.00

Facilities for Dancing:

Times as above.

1.4. Background Information

Provided by applicant:-

Public house with residential accommodation.

1.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Strict control will be exercised by the licensees on all activities.

The Prevention of Crime & Disorder:

All current customers are known to the licensees.

New customers appearing under 21 are asked for identification.

Strict control is exercised over all customers and over the premises in relation to consumption of alcohol and behaviour.

Public Safety:

There are no drink promotions.

See above.

The Prevention of Public Nuisance:

Strict control over customers both inside and outside the premises.

Taxi drivers are requested to collect customer's from inside and not sound horns.

Windows and doors are closed for live music. Signs as to behaviour will be exhibited.

The Protection of Children from Harm:

Children are not allowed in the bar area except on christenings and funeral receptions and Sunday lunches. They leave by 20:00 parents are requested to supervise them at all times while on the premises.

1.6. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 1

Interested Parties Representations

See Appendix 2

1.7. 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 minimizing noise nuisance.*

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*

8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*

8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

Secretary of State's Guidance

Prevention of Nuisance

7.41 *Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of premises and the type of activities expected to take place there.*

7.42 *As with all conditions, it will be clear that conditions relating to noise nuisance may in certain circumstances not be necessary where the provisions of the Environmental Protection Act 1990 and of the Noise Act 1996 adequately protect those living in the vicinity of the premises in question. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.*

7.43 *Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.*

1.8. Officer's Report

Representations relate to public nuisance this includes both noise from music, and also social disturbance from customers and vehicle movements, taxis etc.

Restrictions and conditions are recommended by the environmental health officer to mitigate this problem. These can be considered after all submissions have been heard.

The issue of car parking is not a relevant consideration although noise from vehicles, beeping horns, and the general social disturbance can be taken into account if members are satisfied that it is connected directly 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

Baglan

1.10. Licence Application for Transitional Premises Licence with variation

Ref.No.: 002231 Wards Bryn &
Affected: Cwmavon

Premises Royal Oak Inn
Name:

Premises Maesteg Road, Bryn, Port Talbot, SA13 2RW
Address:

Applicant Mrs Diane Edwards
Name:

Applicant Royal Oak Inn, Maesteg Road, Bryn, Port Talbot, SA13
Address: 2RW

DPS Name: Mrs Diane Edwards

DPS Address: Royal Oak Inn, Maesteg Road, Bryn, Port Talbot, SA13
2RW

Application 27/07/2005
Date:

1.11. 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 Sunday	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.

1.12. Variation Application

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

Supply of Alcohol:

Monday & Tuesday	11.00 - 00.30
Wednesday - Saturday	11.00 - 01.30
Sunday	11.00 - 00.30

Opening Hours - Standard Timings:

Monday & Tuesday	11.00 - 01.00
Wednesday - Saturday	11.00 - 02.00
Sunday	11.00 - 01.00

Recorded Music:

Monday & Tuesday	11.00 - 00.30
Wednesday - Saturday	11.00 - 01.30
Sunday	11.00 - 00.30

Facilities for Making Music:

Times as above.

Late Night Refreshment:

Times as above.

1.13. Background Information

Provided by applicant:-

It is a public house on the main road between Cwmavon and Maesteg licenced to sell alcohol on or off the premises. Adjacent to the pub is a public resting area, where people consume our alcohol or take it home.

1.14. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

In 30 years of running the Royal Oak through our experience we have come to identify customers who come to the pub and look undesirable and we would be reluctant to serve them, but being a village pub 95% of our trade is local.

The Prevention of Crime & Disorder:

Effective and responsible management of premises.

Public Safety:

Effective and responsible management of premises within and the

surrounding area of the premises.

Good staff training

The Prevention of Public Nuisance:

Steps taken to control any noise from the premises eg, keeping windows and doors closed to omit any noise.

Ask patrons leaving the premises to not make any disturbance to nearby residents.

The Protection of Children from Harm:

Children under 14 must leave the premises by 21.00 and at all times be supervised by an adult.

1.15. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 3.

1.16. Interested Parties Representations

No representations.

1.17. 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 minimizing noise nuisance.*

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing*

authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.

8.5 In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.

8.6 The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.

Secretary of State's Guidance

Prevention of Nuisance

7.41 Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of premises and the type of activities expected to take place there.

7.42 As with all conditions, it will be clear that conditions relating to noise nuisance may in certain circumstances not be necessary where the provisions of the Environmental Protection Act 1990 and of the Noise Act 1996 adequately protect those living in the vicinity of the premises in question. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.

7.43 Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises

usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.

1.18. Officer's Report

Representations on public nuisance grounds are made with reference to the operating hours and the provision of regulated entertainment. Restrictions and conditions are proposed by the Environmental Health Officer to minimise problems. Members should consider these if they are satisfied that they are necessary following all submissions being heard.

1.19. 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

Bryn & Cwmavon

1.20. Licence Application for Transitional Premises Licence

Ref.No.: 002281 Wards Neath North
Affected:
Premises Cafe G's/The Ambassador
Name:
Premises 22 - 42 The Parade, Neath, West Glamorgan, SA11
Address: 1RA
Applicant Mr Peter Wynne Edwards
Name:
Applicant 51 Daphne Road, Bryncoch, Neath, SA10 8DU
Address:
Applicant Miss Jane Louise Edwards
Name:
Applicant Ambassador Hotel, 24-42 The Parade, Neath, SA11
Address: 1RA
DPS Name: Miss Jane Louise Edwards
DPS Address: Ambassador Hotel, 24-42 The Parade, Neath, SA11
1RA
Application 29/07/2005
Date:

1.21. 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 ours becoming conitions of the new licence.

The relevant licensable activities are presently:-

The Sale of alchohol	Monday to Saturday	10.00 - 23.00
	Sunday	Noon - 02.30
	(on and off premises)	

Public Entertainment Licence
Monday to Saturday 11.00 - 02.00
Sunday Noon - 12.30
Bank holiday sunday Noon - 02.00

Permitted numbers Ambassardor 200
G's 200
No entry/re-entry 2hrs prior to end of permitted hours.

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

1.22 Variation Application

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

Supply of Alcohol:

Monday - Sunday 10:00 03:00

Seasonal Variations:

Permit sale of alcohol for a further 30 mins from all pre-stated terminal hours for both standard and non standard days as a "wind down" period.

Non-standard Timings:

One hour before, during and for one hour after transmission of any recognised international sporting event which falls outside permitted numbers.

Residential: At any time subject to qualifying conditions.

Opening Hours - Standard Timings:

Monday - Sunday 00:00 24:00 - Hotel

Live Music:

Monday - Sunday 10:00 03:00

Recorded Music - times as above

Indoors

Performance of Dance - times as above

Indoors

Dancing and anything of a similar nature

Facilities for Making Music - times as above

Indoors

Facilities for Dance - times as above

Indoors

Late Night Refreshment:

Monday - Sunday 23:00 03:00

1.23 Background Information

Provided by applicant:-

Hotel, late bar/dancing
public bar and restaurant

1.24. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Premises supervisor and management structure
CCTV both inside and outside
Trained door staff
Members of pub watch

The Prevention of Crime & Disorder:

Good staffing levels
Members of pubwatch.
Door staff trained and aware of drugs.

Public Safety:

Trained staff and door staff
Free water available
Fire training given to staff
Incident book and accident book
Doormen on walkie talkies
Panic buttons

The Prevention of Public Nuisance:

Trained staff and door staff

Free water available
Fire training given to staff
Incident book and accident book
Doormen on walkie talkies
Panic buttons

The Protection of Children from Harm:

Trained staff

1.25. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 4

Environmental Health

See Appendix 5

1.26. Interested Parties Representations

No representations

1.27. Policy Considerations

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

Statement of Licensing Policy

6.0 *Crime & Disorder*

6.6 *In addition to the requirements that the Council promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The council is required therefore to have particular regard to the likely impact of licensing on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can impact on crime and disorder. All*

applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule.

- 6.9 *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 behaviour, e.g. stag nights; football matches; celebrity visits. Applicants are advised to give consideration to these matters within the operating schedule as well as the days and hours of operation of the door supervisors.

(ii) CCTV

The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The council may specify that a suitable system approved by the police and council, covering the interior and exterior of the premises, is installed. This should be

properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV tapes should be kept for twenty-eight days and made available to the police and local authority officers at any time.

(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 minimizing 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

Public Safety

- 7.34 *“Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.*

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.*

1.28. Officer's Report

Crime and disorder and public safety form the basis of police representations.

The location of the premises in the main late night area of the town means that there is a significant level of disorder in the area already. The hours of operation are questioned in view of this. Also requirements relating to public safety are proposed in view of the type of premises. The environmental health officer expresses concern about the public nuisance objective and proposes that no additional hours be approved.

All recommendations by the police and environmental health officer should be considered in the light of any proposals submissions made by the applicant.

1.29. 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

Ward affected

Neath North

1.30 Licence Application for Transitional Premises Licence

Ref.No.: 002156 Wards Neath North
Affected:

Premises NRG
Name:

Premises 9-11 New Street, Neath, West Glamorgan, SA11 1RT
Address:

Applicant Miss Melanie Gibby
Name:

Applicant 6 Daphne Road, Ryddings, Neath, SA10 8DH
Address:

Applicant Miss Julie Gibby
Name:

Applicant 20 Nant Y Mynydd, Waunceirich, Neath, SA10 7QR
Address:

DPS Name: Miss Julie Gibby
DPS Address: 20 Nant Y Mynydd, Waunceirich, Neath, SA10 7QR
Application 01/08/2005
Date:

1.31 Conversion Application

The premises have traded as a licensed cafe for several 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)	

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

1.32 Variation Application

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

Supply of Alcohol:
Monday - Sunday 07:00 03:00

Opening Hours - Standard Timings:

Monday - Sunday 07:00 03:30

Films:

Monday - Sunday 07:00 03:00

Live Music:

Monday - Sunday 11:00 01:00

Recorded Music:

Monday - Sunday 07:00 03:00

Late Night Refreshment:

Monday - Sunday 23:00 03:00

1.33 Background Information

Provided by applicant:-

NRG is a licenced, non smoking coffee and tapas bar in Neath town centre. Our primary business during the day is coffee and extensive menu of snack items. On Thursday, Friday and Saturday evening we offer wine and tapas.

Since we opened NRG in June 2004, we have been successful in attracting the right type of clientele. In the evenings, we attract a mature crowd of clientele.

1.34 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

On a day to day basis, Julie or myself are at the business premises to oversee the running of the business. Julie will become the designated premises supervisor post November 2005, I strongly feel that we have developed a competent team of staff who are aware and appreciate licensing laws and the four underlying objectives. It is our intention to obtain personal licenses for three of our full-time staff within the next 6-9 months. We are a member of the Neath Pub Watch Scheme and are vigilant licensee's with

regards to under-age and responsible drinking. We have recently installed CCTV within our premises as a deterrent against

anti-social behaviour. We do not have 'Happy Hours' or drink promotions as our main seller is wine.

The Prevention of Crime & Disorder:

I consider that we operate our business in Neath in a professional and responsible manner.

Our staff are well trained and responsible.

CCTV camera's are fitted throughout the premises which is saved onto hard-disc for 28 days plus. The exterior of the premises are covered by the council's CCTV.

As a member of the Neath Pub Watch scheme we have a pager located near the till for all staff to hear in the event of an incident in Neath. This has proved to be very successful too for us. Being a little away from the main pubs, we do not attract the younger drinkers into our establishment, we attract a mature and responsible crowd.

Staff on duty understand and are vigilant of the licensing laws and will always ask for photo ID if in doubt of age. Staff do not serve intoxicated customers and are also vigilant of drug abuse.

Public Safety:

Being a fairly new business, we underwent numerous visits by Health & Safety, the Fire Department prior to our opening in June 2004. We operate a strict no-smoking policy throughout the premises. Staff are cautious when it comes to Health & Safety and fire exits are never blocked. We are aware of the hazards of overcrowding the premises and the main emergency exit is never blocked. All equipment purchased new in summer 2004 is currently being PAT tested. Fire notices are well appointed within the premises. Fire fighting equipment is maintained and checked regularly. The CCTV help with the monitoring of the whole premise as the whole area can be viewed via a monitor in the kitchen.

The Prevention of Public Nuisance:

Since we opened, we have had no occasions when music has been loud to cause any public nuisance. We have, and we will not serve intoxicated customers within the premises. The evening trade is very relaxed and comfortable with low music whilst people dine. We do not plan to have loud music or offer karaoke at NRG. In the evening, we normally close the front door around 21:00 hours. I propose that our external lighting is switched off at 24:00 hours in the future if we are granted our licence until 03:00 hours. Taxis who pick up do not generally 'hoot' as they can be seen and are visible to us when they pull up. Shortly I will put up a sign asking people to leave the premises quietly in the evening.

The Protection of Children from Harm:

To date, we have not had any under-age drinking problems at NRG. Our staff are vigilant to the under-age drinking problems in the town centre and if they are in doubt they would request photo ID. Shortly, we will put up signs confirming that we would ask for proof of age if in doubt. Due to our non-smoking policy and our prices, we have not attracted the younger clientele. Our average customer in the evenings is in their 30's. Teenagers do visit NRG on Saturdays and during holidays with their friends but we are mindful of this as we are a licensed establishment. In the evening, children occasionally come with their parents, but we do make it clear that our childrens licence allows them only until 21:00 hours.

1.35. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 6

Planning

See Appendix 7

Interested Parties Representations

No representations

1.36. Policy Considerations

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

11.0 Integration

11.5 The Council acknowledges that there must be proper separation of the planning, building control and licensing functions and that licensing applications will not be a re-run of the planning 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 minimizing 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

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.*

1.37. Officer's Report

Representations from the environmental health officer refer to excessive opening hours and recommends that there be restricted to prevent disorder.

Also in respect of live music, restrictions are proposed to minimise noise nuisance.

The planning officer also makes representation with regard to a planning restriction on the hours of operation. Members will need to assess whether this impacts on the objectives and if it should be taken into account.

1.38. 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) 6868326 email j.sullivan@npt.gov.uk

Wards Affected

Neath North

1.39. Licence Application for Transitional Premises Licence with variation

Ref.No.: 002324 Wards Aberavon
Affected:
Premises Name: Burgess Green Hotel
Premises Address: Ysguthan Road, Port Talbot, SA12 6NB
Applicant Name: S A Brain & Co Ltd
Applicant Address: The Cardiff Brewery, Crawshay Street, Cardiff, CF10 1SP
DPS Name: Mr Stephen Cyril Thomas
DPS Address: Burgess Green, 28 Ysguthan Road, Port Talbot, SA12 6NB
Application Date: 01/08/2005

1.40. 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	10:00am - 11:00pm
	Sunday	Noon - 10:30pm
	(On and off premises)	

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

1.41. Variation Application

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

Supply of Alcohol:
Monday - Saturday 10.00 - 00.00
Sunday 10.30 - 23.30
Non-standard Timings:
As above.

Opening Hours - Standard Timings:

Monday - Saturday 10.00 - 00.30

Sunday 10.30 - 00.00

Non-standard Timings:

As above.

Live Music:

Monday - Saturday 10.00 - 00.00

Sunday 10.30 - 23.30

Non-standard Timings:

A further additional hour into the morning following every Thursday, Friday, Saturday until 01.00, Sunday until 00.30 and Monday until 01.00 for the Easter Bank Holiday weekend.

A further additional hour into the morning following every Friday, Saturday until 01.00, Sunday until 00.30 and Monday 01.00 for each May, Whitsun and August Bank Holiday.

A further additional hour into the morning following every St. David's Day (1/3), and St. Patrick's Day (17/3).

A further additional hour into the morning following every Christmas Eve (24/12), Boxing Day (26/12) and New Year's Day (01/01).

Major International Sporting Events - The option to open 30 minutes before to 30 minutes after, inclusive, any major international sporting event that is televised and held in a country or countries operating on a different time zone to that of the U.K. Co joining the hours should they meet or overlap.

New Years Eve/Day hours to remain.

Recorded Music:

Times as above.

Non-standard Timings:

As above.

Facility like Music/Dance:

Times as above.

Non-standard Timings:

As above.

1.42. Background Information

Provided by applicant:-

Public house with main bar, lounge bar and rear beer garden.

1.43. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

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

The landlord is BII trained and ensures staff are trained to that Standard.

The Prevention of Crime & Disorder:

Illumination is provided to the external areas

Main trading areas are visible to the staff from behind the bar
servery

The licensee and staff monitor customer behaviour

The licensee and staff regularly remove empty glasses and check
toilets

Burglar alarm system installed

ID is always asked for when in doubt

Open bottles or glasses are not allowed off the premises

Zero tolerance to anti-social behaviour, drunken quarrelsome and
violent persons.

Public Safety:

Premises are equipped with emergency lighting and illuminated
exits.

All fire equipment is serviced annually through a contact with Chubb PLC.

All electrical appliances are tested annually.

Current electrical and gas certificates in place.

An accident/incident book is on site.

Non toughened glasses are being phased out all new glasses purchased are toughened.

Disabled people are welcomed and assistance is always available.

The Prevention of Public Nuisance:

The premises are detached which minimise noise transfer to neighbours.

Cellar and beer cooling condensers are positioned away from neighbouring buildings.

Zero tolerance to anti-social behaviour.

Licensee and or staff see customers off the premises.

Customers are asked to respect the neighbours if necessary.

The Protection of Children from Harm:

Unaccompanied children are not allowed on the premises.

Accompanied children are allowed in the lounge area and the beer garden.

No children are allowed at the bar.

AWP is positioned in sight of bar servery and bar area.

Proof of age cards or other ID must be provided.

Licensee and staff regularly walk the premises to ensure compliance.

1.44. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 8

Environmental Health

See Appendix 9

1.45. Interested Parties Representations

No representations.

1.46. 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 minimizing noise nuisance.*

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*

8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*

- 8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

Secretary of State's Guidance

Prevention of Nuisance

- 7.41 *Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of premises and the type of activities expected to take place there.*
- 7.43 *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.*

1.47. Officer's Report

The police raise representations about the proposal to have unlimited number of events at the discretion of the applicant.

Along with the environmental health officer concerns are also expressed in respect of likely nuisance from noise and sound disturbance, based on the hours sought and the location of the premises. Restrictions on hours are recommended to minimise any nuisance arising.

1.48. 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

Aberavon