

LICENSING (2003 ACT) SUB COMMITTEE

22nd September 2006

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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1.0. Application for Review of Premises Licence

Ref.No.: 005282 Wards Trebanos
Affected:
Premises Name: The Colliers Arms
Premises Address: 154 Swansea Road, Trebanos
Licence Holder: Punch Taverns Plc
Address of Licence Holder: Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF
DPS Name: Christopher Douglas David
DPS Address: The Colliers Arms, 154 Swansea Road, Trebanos, SA8 4BX
Application Date: 4/ 8/2006

1.1. Current Licence

The premises are presently licensed as follows:-

Supply of Alcohol:

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

Non-standard Timings:

Friday & Saturday for each May Bank Holiday, Spring/Whitsun Bank & Easter Bank Holiday & every August Bank Holiday weekend 11.00 - 01.00
Christmas Eve & Boxing Day 11.00 - 01.00

Live Music:

Monday - Sunday 11.00 - 23.00

Recorded Music:

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

Non-standard Timings:

Times as per non-standard timings for supply of alcohol

Facility like Music/Dance:

Monday to Sunday 11.00 - 23.00

Opening Hours - Standard Timings:

Sunday to Thursday 11.00 - 00.30

Friday & Saturday 11.00 - 01.00

Non-standard Timings:

Friday & Saturday for each May Bank Holiday, Spring/Whitsun Bank & Easter Weekend Holiday & every August Bank Holiday weekend 11.00 - 01.30

Christmas Eve & Boxing Day 11.00 - 01.30

Conditions attached by Licensing Committee

1. All windows and doors are to be closed whilst regulated entertainment is being provided.
2. The beer garden is to close at 23.00.
3. Recorded music after 23.00 is to be at a background level to be agreed by the Environmental Health Department.

1.2. Background Information

The premises is a public house located on the main road through the village of Trebanos. It is situated in an area of mainly residential properties. See plan.

1.3. Application for Review

The application for review of the premises licence is as follows:-

Applicant: P.C. J Williams – Licensing Officer South Wales Police

Address: Neath Police Station, Gnoll Park Road, Neath

Status of Applicant – Responsible Authority

Date of Application – 4-8-06

1.4. Grounds for Review

The application relates to the following licensing objective(s) –
The Prevention of Public Nuisance.

Details

1. Under Annex 2 of the premises licence it is a requirement to "ensure that all windows and doors are closed whilst amplified music is being played". At 10.10pm on Friday 7th July 2006, I attended at the premises and could hear music being played at a very high volume. The front door to the premises had been wedged in an open position. The second door from the "porch" area into the main bar area was also wedged in the open position. Inside the bar area there was a DJ sat at a turntable desk playing music. This is a clear contravention of the conditions of the premises licence, and results in public nuisance to residents in the area, contrary to licensing objectives.
2. There have been numerous complaints from residents to the Local Authority and Police in respect of noise nuisance as a result of music being played at the premises.
3. On Wednesday 26th April 2006 a meeting was held with Christopher David, the DPS of the premises and myself, Jim Sullivan and Ron Staddon, officers of the Local Authority Licensing Department, and Tony John of the Environmental Health Department, where the complaints regarding loud music were put to Mr David. The noise issue has not been resolved since the issues were raised with Mr David.
4. There was no licence holder at the premises. In the absence of the DPS, Mr David, there was no authority in place for any other person to sell alcohol on behalf of a personal licence holder. An authorisation was requested by myself in the presence of Mr Ron Staddon of the Local Authority Licensing Department, but none could be produced.

1.5. Previous Representations

The following representations were made by the police when the original application to vary the licence was considered:-

In respect of the premises application for the above premises, I wish to object on the following grounds:-

1. The premises is in a residential area, and there have been a number of complaints from residents regarding the noise emitted from the premises. To permit alcohol sales and regulated entertainment until 1.00am on Friday and Saturday will exacerbate the existing situation and be contrary to the licensing objectives.
2. Extensions on Thursday, Friday, Saturday and Sunday of Bank Holiday weekends, will lead to public nuisance to residents. To limit extensions to the Saturday and Sunday of such weekends is more acceptable to minimise this nuisance.
3. Doors and windows must be kept closed when regulated entertainment is provided in order to minimise noise nuisance to residents, and noise from any of the activities must not be capable of being heard in the nearest noise sensitive premises.
4. The beer garden should not be used after 10.00pm on any day, plastic vessels only should be used, and no regulated entertainment should be provided.

1.6. Further Representations

Further representations have been received in respect of the application for review as follows:-

Interested Parties

Representations have been received from residents in the vicinity of the premises namely:-

Mr L I & Mrs M I Jones	156 Swansea Road, Trebanos
W H Pickerell	125 Swansea Road, Trebanos
Mrs M Rees	152 Swansea Road, Trebanos
R Jones	133 Swansea Road, Trebanos

I Pugh
L Doyle

129 Swansea Road, Trebanos
135 Swansea Road, Trebanos

Copies of the representations are reproduced at Appendix 1.

These relate mainly to noise/disturbance, glass and refuse from the premises.

1.7. Licensing Officers Report

The conversion and variation of the premises licence was approved by this Committee on 20th September 2005.

The application was subject to representations by the Police, Environmental Health and residents of the area. Following amendments to the application, the police withdrew their representations. The Committee took into account the representations of the Environmental Health Officer and residents. The variation was approved, but was subject to conditions relating to prevention of public nuisance.

When considering the application for review members are required to have regard to all relevant representations and take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:-

- (a) to modify the conditions of the licence.
- (b) To exclude a licensable activity from the scope of the licence.
- (c) To remove the designated premises supervisor
- (d) To suspend the licence for a period not exceeding three months.
- (e) To revoke the licence.

1.8. Recommendation

That members determine the application after considering all relevant representations.

List of Background Papers

Application for review of premises licence.

Officer Contact

J Sullivan - Licensing Manager
Tel 01639 686326 email j.Sullivan@npt.gov.uk

Wards Affected

Trebanos

Facilities for Dance - times as above

Facility like Music/Dance - times as above

Late Night Refreshment:

Sunday to Thursday 23.00 - 00.30

Friday & Saturday 23.00 - 01.30

The opening hours of the premises:

Opening Hours:

Sunday to Thursday 07.00 – 00.30

Friday & Saturday 07.00 – 01.30

Conditions attached by Licensing Committee

1. No regulated entertainment to be provided after 23.00 hours unless the applicant obtains an acoustic report and implements any work necessary to the satisfaction of Environmental Health so as to ensure that no sound is audible at the nearest noise sensitive premises.
2. The applicant will ensure that all windows and doors are kept closed whilst amplified music is being played.
3. The applicant will provide prominent signs throughout the premises and all exits requested patrons to leave in a quiet and orderly manner so as to minimise impact on local residents.

In addition, the applicant will be allowed 12 special event days provided the applicant gives 10 days notice to the Police and Local Authority with the Police having a final veto.

2.2. Background Information

The premises operates as a rugby club and is located on the edge of the Neath town centre. The area is mainly residential. See plan.

2.3. Application for Review

The application for review of the premises licence is as follows:-

Applicant: P.C. J Williams – Licensing Officer South
Wales Police

Address: Neath Police Station, Gnoll Park Road, Neath

Status of Applicant – Responsible Authority

Date of Application – 2/8/06

2.4. Grounds for Review

The application relates to the following licensing objective(s):
The Prevention of Public Nuisance

Details

1. Under annex 3 of the premises licence a condition that no regulated entertainment is to be provided after 11pm unless the applicant obtains an acoustic report and implements any work necessary to the satisfaction of Environmental Health so as to ensure that no sound is audible at the nearest noise sensitive premises.
2. There have been a number of complaints from residents to the Local Authority and Police in respect of noise nuisance as a result of music being played at the premises.

At 23.30hrs on Friday 7th July 2006, I attended at the premises of Neath RFC at Gnoll Park Road, Neath, in company with Ron Staddon and Sarah Bartle of the Local Authority Licensing Department.

On our arrival at the premises I could clearly hear amplified music emanating from the premises.

On entering the premises we spoke with Colin Tomlinson, the person in charge of the premises, who confirmed that a Beach Boys tribute style band were playing upstairs. He offered to

end the function immediately when it was pointed out that this breached the conditions imposed on the premises licence.

2.5. Previous Representations

The following representations were made by the police when the original application to vary the licence was made:-

In respect of the premises application for the above, I wish to register objections on the following grounds:

1. In relation to the licensing of the rugby ground itself, each area of the ground is currently served by a separate bar. This is to prevent migration of spectators from one area of the ground to another. This is a safety issue to prevent areas over-extending their capacity. The application form does not appear to take this into account.
2. Whenever the ground has made use of an occasional licence to permit the sale of intoxicants on match days, the actual sale of intoxicants has not been permitted whilst the match is in play. This is a safety consideration as well as reducing the safety and annoyance risks from spectators moving to/from their seats to the bar areas.
3. Page 8, the proposed variations require the facility to sell alcohol on a 24 hour basis. There have been a number of complaints from residents in the area. The premises is located in a residential area, and such times may be contrary to the objective of the prevention of public nuisance.
4. The provision of the regulated entertainment in the application is requested until 2am each day. Given the location of the premises, surrounded by residential properties, this would be inappropriate subject to the consideration and provision of a sound survey.
5. Page 22, paragraph M requests that alcohol is supplied between 10am and midnight each day. This is contradictory to the variation stated earlier in the application. It will be necessary to confirm the content of the notice placed in the newspaper and on the premises to ascertain which of the details is correct and has been advertised.

6. Page 23, paragraph O, the hours the premises are open to the public will be between 10am and 2.30am, if 24 hours licensing is intended, this is again a discrepancy that needs to be addressed.
7. The application refers to the requirement to have the facility to have the premises open on a 24 hours basis as and when required. I would question the suitability of the premises to open for these times, given the location. It may be worth considering how frequently this facility would be used in practice. It may be a consideration to adopt the policy of using the facility of “special occasions” as per the ACPO policy outlined on the LACORS website, whereby it is possible to accommodate later hours, without the impact that a 24 hours grant would potentially have.

In summary, there have been a number of concerns reported to police from residents, and given the location of the premises, should such a grant be made the objective of the prevention of public nuisance may be contravened.

2.6. Further Representations

Further representations have been received in respect of the application for review as follows:-

Interested Parties

Mr D Price

84 Gnoll Park Road, Neath

The above named is a resident living in the vicinity of the premises and his representations relate to noise from the premises. Copies of the representation are reproduced at Appendix 2.

2.7. Licensing Officers Report

The conversion and variation of the premises licence was approved by this Committee on 26th September 2005. Representations were received from the Police, Environmental Health Officer and residents of the area. Amendments were made to the application to take account of the Police representation. As a result the police representations were withdrawn. The Committee considered the representations made to them and agreed to approve the variation,

but subject to conditions to minimise noise and disturbance to residents.

When considering the application for review members are required to have regard to all relevant representations and take such steps (if any) as it considers necessary for the promotion of the licensing objectives.

The steps are:-

- (f) to modify the conditions of the licence.
- (g) To exclude a licensable activity from the scope of the licence.
- (h) To remove the designated premises supervisor
- (i) To suspend the licence for a period not exceeding three months.
- (j) To revoke the licence.

2.8. Recommendation

That members determine the application after considering all relevant representations.

List of Background Papers

Application for review of premises licence.

Officer Contact

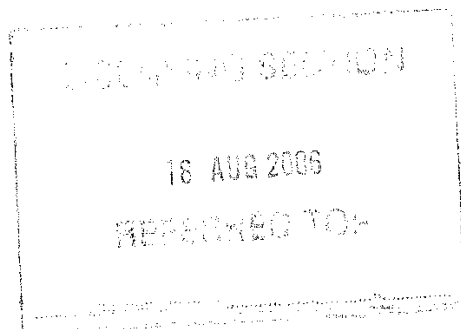
J Sullivan - Licensing Manager

Tel 01639 686326 email j.Sullivan@npt.gov.uk

Wards Affected

Neath North

APPENDIX I



156, Swansea Road,
TREBANOS.
Swansea.
SA8 4BU

17th August, 2006.

Licensing Officer,
Neath Port Talbot County Borough Council,
Civic Centre,
NEATH.

Dear Sir,

REVIEW OF LICENCE
COLLIERS ARMS, SWANSEA ROAD, TREBANOS.

I refer to the aforementioned forthcoming review of the licence for the Collier Arms and would herewith formally lodge my concerns with regards to the premises.

Despite there being a condition to the existing licence that all windows and doors are to be closed at the premises during the performance of live music, this condition has not been adhered to resulting in myself having to make numerous complaints to both the Environmental Health Department and yourselves at the Licensing Department regarding the excessive noise that emanates from the premises on these occasions. This prevents us from enjoying any peace in our own home. The premises is situated in the centre of several residential properties and we feel that to have music being played at this level is unacceptable.

As a result of having to make numerous complaints regarding the noise problem at the premises, both myself and my husband have been subjected to verbal abuse from the son of the licensee, the last occasion being 6th July, 2006, this person was not only abusive but also threatened myself and made threats to damage my property, resulting in the police being called and the son, namely Scott David, being arrested, and at this time is still on conditional police bail. We believe that should the licence for music remain the same we will constantly face similar problems. In view of this we request that consideration be given to completely revoke the music licence at the premises as it is quite obvious the licensee has total disregard for the authorities and for the welfare of local residents.

As we have stated in previous written correspondence and telephone calls to your department we have resided at this address quite happily for the last 19 years, but over the last 2 years our lives have been totally disrupted by the problems we have been experiencing from the Colliers and we feel that we should not have to tolerate this behaviour. We both work hard and take pride in our property and garden and feel it totally unfair that we should have to endure these problems.

It is quite a regular occurrence when we have to go outside our premises and collect used glasses and bottles (some of which are broken) which have been left on the pavement and windowsills of the pub and our house.

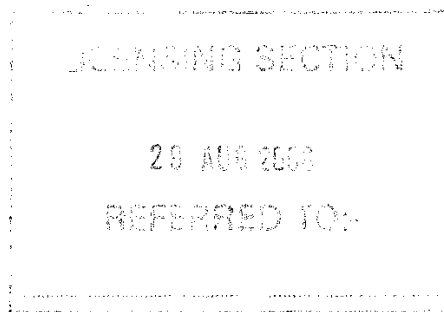
In view of all the above, we hope that our objections will be given serious consideration during this review.

Yours faithfully,



M.I. Jones (Mrs)

MR. L.I. JONES
MRS. M.I. JONES.



APPENDIX I

125, Swansea Road
Trebanos,
Pontardawe.
SA8 4BN
(Phone:- 01792 863255)

25th August 2006

The Licensing Officer
Environmental Health Department,
Neath Port Talbot County Borough Council,
Civic Centre,
Neath.

Dear Mr Davies

REF: - APPLICATION FOR REVIEW OF PREMISES LICENCE AT
"THE COLLIERS ARMS" TREBANOS.

As a resident opposite the premises above, I am writing to ask Neath and Port Talbot County Council if they would review the Premises Licence at the "The Colliers Arms" Trebanos.

There are two major areas in asking for this review, these being Noise Nuisance and Trade Waste.

1. Noise Nuisance

Over the last year my family, together with other residents close to the premises, have had to endure extremely loud music. The Colliers Arms has not complied with the requirement to "Ensure all doors and windows are closed while amplified music is being played". The music produced has been in the form of "Live" or "Karaoke", and on some occasions we have had to put up with excessive noise level on three consecutive nights a week.

Throughout the year doors and windows have been left open when music was being played, and on some occasions all have been left open simultaneously. Residents close by have approached the manager to ask if the noise level could be reduced, but our requests have gone unheeded. One Saturday evening The Environmental Department had to be contacted by phone because the noise was so bad. Our complaint was dealt with immediately by a gentleman from the Department who telephoned "The Colliers Arms" to ask that the noise be reduced, but the phone was not answered until nearly closing time.


2. Trade Waste.

As well as excessive noise, we have also had to put up with an extremely low level of hygiene. The Colliers Arms has not been fulfilling its Duty of Care. Trade waste has been left to accumulate in plastic bags outside the building, has not been collected, and hence has enticed vermin. I had to inform the Environmental Department about this after seeing a rat by an open plastic rubbish bag which contained scraps of food. I have enclosed a photograph (a), of one instance when rubbish was scattered everywhere.

The regulations about rubbish, which they must have received from the Environmental Department, have gone unheeded. Even though the number of small Council plastic bins has increased for the property, their content is still not securely covered, and plastic bags are still used. The second photograph (b) shows the rubbish outside "The Colliers Arms" on the morning of August the 25th.

I hope that when The Licence Department review the application for the Premise Licence at "The Colliers Arms" Trebanos, they will take into consideration the two major concerns on this letter.

Yours faithfully,

A handwritten signature in cursive script, appearing to read "W. H. Pickrell".

W. H. Pickrell.

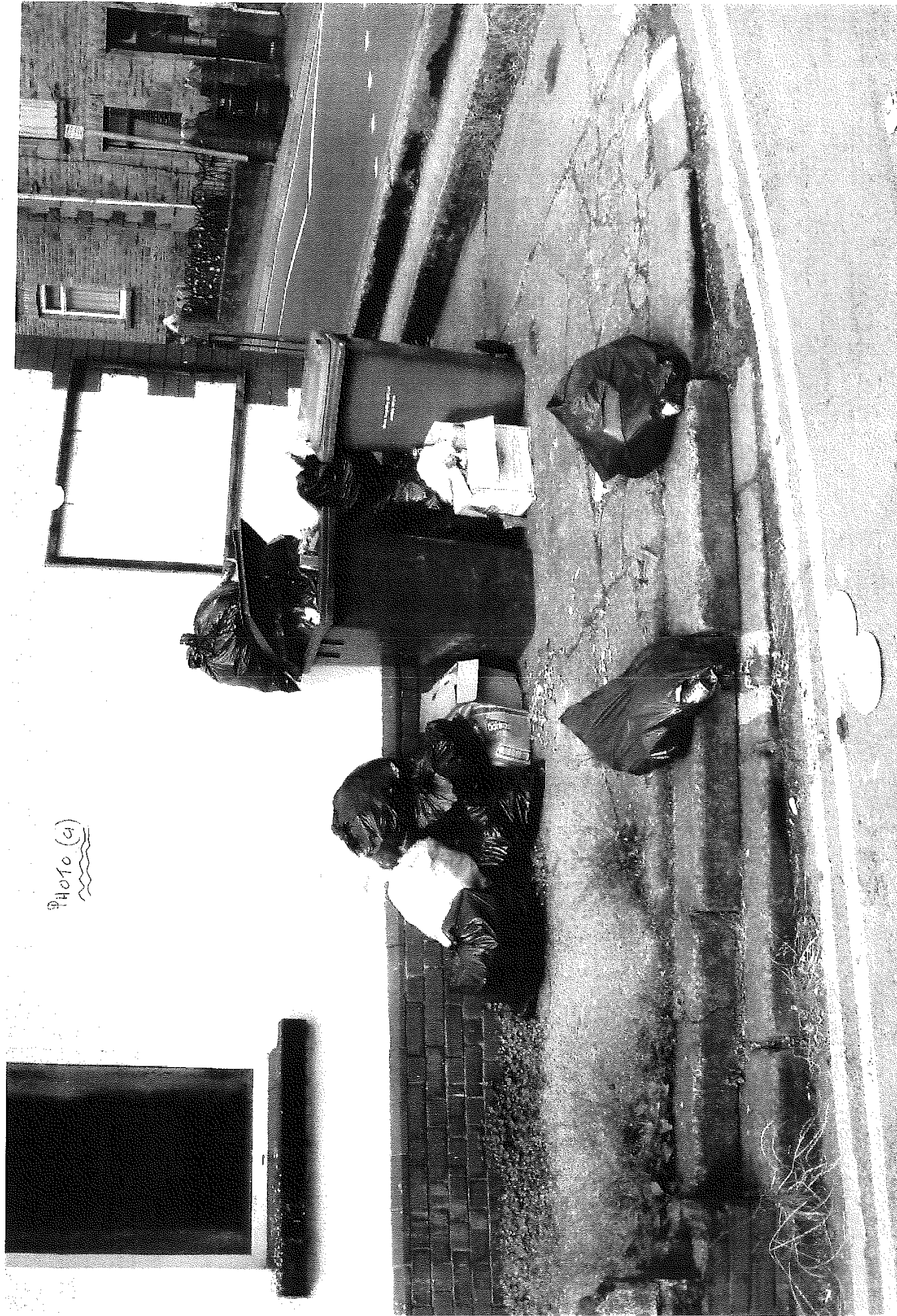


PHOTO (G)



PHOTO (b)

APPENDIX 1

152 Swansea Road
TREBANOS,
Pontardawe.
SA8 4BN

Dear Sir,

APPLICATION FOR REVIEW OF PREMISES LICENCE AT
THE COLLIERS ARMS, TREBANOS.

I live next door to the pub above and I would like you to review the application given.

Throughout this year I have had to put up with considerable noise from live music from there. A fire door at the side of the Colliers, together with a window, faces directly on to my living room and my bedroom. The noise, when live music is being played, is unbearable and as you can imagine prevents sleep. Sleep is of the utmost importance to my health as I am on medication for a chronic illness. The noise becomes far worse when both the door and the window of the Colliers are left open.

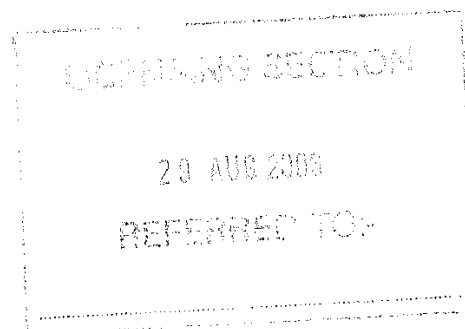
I also have to put up with their rubbish, which is left all over the place and builds up, as it is not collected.. I have had to phone the Council to make the manager remove it, but the situation seems to be returning.

I would be very grateful indeed if you could bear these two facts in mind when you are reviewing the application of the Premise Licence for the Colliers Arms Trebanos, and maybe prevent live music from being played there and the rubbish collected on time.

Yours sincerely,

M Rees

Mrs M. Rees.



APPENDIX 1

129, Swansea Road,
TREBANOS
Swansea.

16th August, 2006

Licensing Department,
Neath Port Talbot County Borough Council,
Civic Centre
NEATH.

Dear Sir,

COLLIERS ARMS, TREBANOS
REVIEW OF LICENCE

Please can this letter be noted as my official objection in relation to the music licence for the aforementioned premises. The noise nuisance that I am having to tolerate from the premises when live music is being performed is unacceptable. Despite complaints having been made in the past the problem has not been resolved. I firmly believe that if the live music is allowed to continue at the premises then our problems will continue and as this is a residential area I not believe that residents should have to tolerate such a nuisance.

I request the revocation of the music licence.

Yours sincerely,

D W Pugh

IAN PUGH.

TO THE LICENSING DEPARTMENT, NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

REVIEW OF LICENCE
COLLIERS ARMS, 154, SWANSEA ROAD, TREBANOS.

We the undersigned, all being residents of neighbouring properties to the aforementioned premises wish to raise our objections to the music licence held for these premises.

The premises is situated in a highly residential area – and all residents are being subjected to excessively loud music coming from the premises during the times when live music is being performed at the premises. One of the conditions imposed on the current licence is that **all windows and doors are to be kept closed during live music** we can advise that this condition has not been adhered to, and all residents are having to tolerate this noise which is disrupts us enjoying peace and comfort inside our own homes.

Complaints have been made on several previous occasions to yourselves, however the problems continue to persist, it is obvious that the licensee has no intention of adhering to the conditions of his licence and shows total disregard for local residents.

In view of these constant problems we request that the music licence to the premises be revoked completely.

Residents have to constantly endure problems with groups of youths that congregate at the front and side of the premises and in the rear car park, drinking, shouting and using obscene language, the majority of who are underage.

Residents are constantly having to pick up discarded glasses and bottles and general litter which are left lying around the outside of the premises. We feel the premises is not being run in an orderly and proper manner and request that all of the issues raised be given serious consideration during the review of the licence.

D H Pickett 125 Swansea Road Trebanos (01792 863255)

M. Rees 152 SWANSEA RD TREBANOS (01792 862041)

L. I. G. M. I. Jones 156 Swansea Rd Trebanos (01792 865075)

D. W. P. C. H. 129, Swansea Rd Trebanos (07976-04704)

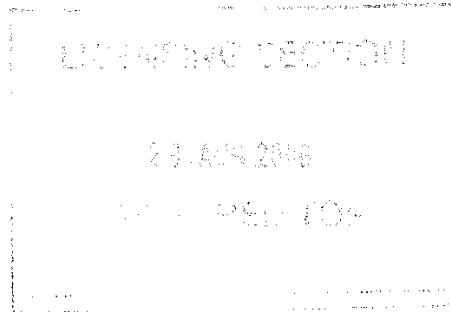
JEV Suite. 135 Swansea Rd Trebanos (01792 863887)

Rhia Jones 133 Swansea Rd, Trebanos, Swansea 01792 863493

20 AUG 2000

APPENDIX 2

Mr. J. M. Sullivan
Civic Centre
Neath.



84 Gnoll Park Road
Neath
West Glam.
SAVI 3DD

24th August 2006

Dear Sir,

Re: Application for a Review of a Premises
Licence - Neath Rugby Social Club.

With regard to the above, I think the present licence should be revoked and new terms and conditions applied. The social club has shown total disregard to their licence conditions, the residents and also yourselves as the licensing authority. In my original objection of 15th August 2005, I stated at the time that in the past they had ignored their previous ~~ex~~ licence conditions and so it has proved once again.

I have written three letters of complaint concerning the above property. One was on the 9th May 2006 concerning the previous Saturday night 6th May when

The music went on until nearly 2 a.m. Sunday morning where the loudness of the music was intruding into our home. Then I also wrote two letters in June concerning the noise. One was about Friday 2nd June and Saturday 3rd June 2006 and the other was about Monday 12th June 2006 all about excessive noise levels coming from the music being played at the club.

On Tuesday 6th June 2006, we had a visit from the Police concerning "enquiries" made by the club about complaints from residents and noise level. They wanted to know what was going on between us and the club.

I think harassment is what the club were trying to imply. The Council policy was/is that residents should speak to the licensee if they have any complaints.

Since Mr. Ron Staddon (Licensing Officer) unexpected visit to the club one Friday night, I think it was the early part of July, it has been quiet. It may also

be because of this review whereby they can say it is only an isolated problem and not a regular occurrence.

Any review you undertake I wish you would consider the residents in your final decision. I would also like to say that I have nothing against any member or person connected to Neath Rugby Sea Social Club or Neath R.F.C.

Yours faithfully

David Price

P.S. All we want is to enjoy the comfort of our own home without being subjected to music from the club which is at a level that you can quite clearly hear.