

**LICENSING (2003 ACT) SUB COMMITTEE**

**23<sup>rd</sup> 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 with variation**

Ref.No.: 002299 Wards Blaengwrach  
Affected:  
Premises Name: Dunraven Arms  
Premises Address: High Street, Cwmgwrach, Neath, SA11 5TA  
Applicant Name: Mr Patrick Edward Horgan  
Applicant Address: Dunraven Arms, High Street, Cwmgwrach, Neath, SA11 5TA  
DPS Name: Mr Patrick Edward Horgan  
DPS Address: Dunraven Arms, High Street, Cwmgwrach, Neath, SA11 5TA  
Application Date: 01/08/2005

### **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	10.00 - 23.00
	Sunday	Noon - 23.30
	(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 Saturday	10:00 - 00:00

Live Music:	
Monday to Saturday	10:00 - 00:00

Recorded Music:	
Monday to Saturday	10:00 - 00:00

Activity like Music/Dance:	
Monday to Saturday	10:00 - 00:00

Facilities for Making Music:  
Monday to Saturday 10:00 - 00:00

Facility like Music/Dance:  
Monday to Saturday 10:00 - 00:00

#### **1.4 Background Information**

Provided by applicant:

The Dunraven Arms is a two storey stone and brick built building. The licensed activities are on the ground floor. It is a typical public house with a full justices licence so that liquor of all descriptions can be sold for consumption both on and off the premises.

#### **1.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

The premises will run in accordance with all the licensing objectives the details of which are set out in the schedule below.

The Prevention of Crime & Disorder:

To ensure that all times there will be an effective and responsible manager on duty on the premises when it is open for licensable activities.

To ensure that all staff are trained.

To ensure that all staff are properly supervised.

To organise the lay-out and the location of various pieces of equipment within the premises so that equipment can be properly monitored and where necessary, properly controlled e.g. cash registers away from patrons and gaming machines within view of staff.

To ensure that staffing levels are adequate to maintain a safe environment.

To ensure that all staff are aware that those who are heavily intoxicated or disorderly are to be managed in such a way that they will not be a harm to staff, patrons or themselves.

To support the objectives of the schemes which are designed to maintain and improve the licensing objectives.

To ensure that all members of staff are vigilant to prevent the use or

supply of illegal drugs.

To ensure that all staff are mindful of the problems of under age drinking and when in doubt to request age identification by reference to driving licence or passport.

To maintain a similar policy to the above paragraph with regard to the sale of tobacco.

To ensure that staff prevent glasses and bottles being brought into or out of the premises by patrons.

To ensure that there is a provisions for regular collection of glass and bottles.

To ensure that where the consumption of alcohol is likely to be in the open air that consideration is given to the use of toughened or plastic vessels and notices to this effect are displayed at the exits.

To ensure that all staff will report to the relevant authorities (the police and the Council) anyone dealing with illegal drugs are found on the premises.

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

To ensure that all members of staff are mindful of the above objectives, not only insofar as the licensed premises is concerned but also to consider those who live or work within the vicinity of the premises or are passing by.

Public Safety:

To ensure that the premises does not become overcrowded.

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

To ensure that the staff are informed about safe evacuation procedures.

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

To provide a sufficient number of people employed or engaged to secure the safety of the premises and its patrons.

To provide appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons including the disabled and infirm.

To ensure that all appliances and systems pertinent to safety are tested on a regular basis that a written record of the tests are kept and will be available to all relevant authorities.

To provide toughened or plastic drinking vessels 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 staff are made aware of the steps that are to be taken should there be any disorderly conduct on the premises e.g. to ask disorderly persons to leave but at the same time to alert the relevant authorities.

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.

To consider whether any light pollution is caused by lighting appliances at the premises and if so, to minimise light pollution.

To ensure that any refuse is stored and disposed of appropriately.

To be mindful of those who live and work in the vicinity when disposing of empty bottles or when deliveries are being made.

To remind staff to minimise noise when leaving the premises, particularly if it is late at night or in the early hours of the morning.

To take appropriate steps to avoid any noxious smells.

The Protection of Children from Harm:

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

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

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

Where films or television are available, to ensure if children are in the premises that the films are in accordance with the recommendations of the British Board of film classifications.

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.

To provide a non smoking area

**1.6 Relevant Representations:**

**Responsible Authorities Representations**

Environmental Health

See Appendix 1

**Interested Parties Representations**

No representations

**1.7 Policy Considerations**

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

*Statement of Licencing 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.*



**1.8 Officer's Report**

Representations relate solely to the prevention of public nuisance. Restrictions are proposed on opening hours and the provision of live and recorded music, with a view to minimizing nuisance from music and sound disturbance.

**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

**Ward Affected**

Blaengwrach

## **2.1 Licence Application for Transitional Premises Licence with variation**

Ref.No.: 002243 Wards Glyncorrwg  
Affected:

Premises Name:  
Premises Glyncorrwg Hall, Cymmer Road, Glyncorrwg, Port Talbot  
Address:  
Applicant Name: Mr Laurence Charles Mathias Davies  
Applicant 6 Matthews Street, Glyncorrwg, Port Talbot, SA13 3BD  
Address:  
Applicant Name: Mrs Lorna Davies  
Applicant 6 Matthews Street, Glyncorrwg, Port Talbot, SA13 3BD  
Address:  
DPS Name: Mr Laurence Charles Mathias Davies  
DPS Address: 6 Matthews Street, Glyncorrwg, Port Talbot, SA13 3BD  
Application 28/07/05  
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 relevant licensable activities are presently:-

The sale of alcohol	Monday to Saturday	10.00 - 23.00
	Sunday	noon - 23.00
	(on and off premises)	

Public Entertainment Licence:

Monday to Wednesday	11.00 - 23.00
Thursday – Sunday	11.00 - 00.00
Permitted number – Hall 240	

The above are subject to the provisions and restrictions of the Licensing Act 1964, the Local Government (Miscellaneous Provisions) Act 1982 and standard conditions applying to premises licensed for public entertainment.

## **2.3 Variation Application**

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

Supply of Alcohol:	
Monday to Sunday	08.00 – 01.00

Opening Hours:  
Monday - Sunday 08.00 - 01.30

Plays:  
Monday - Sunday 08.00 - 00.00

Films:  
Monday - Sunday 08.00 - 23.00

Indoor Sporting Events:  
Monday - Sunday 08.00 - 01.00

Boxing or Wrestling:  
Monday - Sunday 18.00 - 22.00

Live Music:  
Monday - Sunday 08.00 - 00.00

Seasonal Variations:

During equitable months outdoor performances to finish by 21.30.

Recorded Music:  
Monday - Sunday 08.00 - 01.00

Seasonal Variations:

During equitable months, outdoor recorded music to cease at 22.00.

Performance of Dance:

Times as above.

Facilities for Making Music:

Times as above.

Seasonal Variations:

Where any bank holiday falls outside of a Thursday - Sunday, finish time applied for is 01.00.

Facilities for Dancing:

Times as above.

Seasonal Variations:

Where any bank holiday falls outside of a Thursday - Sunday, finish time applied for is 01.00.

Late Night Refreshment:

Times as above.

The applicant also seeks to remove the Public Entertainment Licence conditions requiring an annual electrical certificate.

## **2.4 Background Information**

Provided by applicant:

Stone built ex. Workmens Hall on gateway site to village of Glyncorrwg. Drinking is restricted to ground floor licensed premises - see plan - on one level consisting of Bar, Concert Hall and Bar Dining Room. Adjacent to building is located a beer garden for consumption of alcohol.

## **2.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

We as licensees for the past 9 years are fully aware of the responsibilities that come with the running of a pub in a village location.

We have always ensured that our neighbours have enjoyed no inconvenience especially during functions.

There are signs erected within the building for patrons to consider our neighbours when leaving.

The front entrance is locked at 11.00pm and all patrons leave the building via the rear exit. It is to our credit that we have received no complaints to date.

The Prevention of Crime & Disorder:

We are fully aware of all the relevant strategies in place to ensure that communities like Glyncorrwg are better places to live in;

The Neath Port Talbot Community Plan/Community Safety Strategy, Safer Clubbing, the National Alcohol Harm Strategy plus voluntary codes of practice relating to drinks promotions, drugs etc.

We have always taken the responsibility of running a "community pub" very responsibly, and have had full cooperation and understanding from our patrons, who represent the full spectrum of individuals.

Public Safety:

This has always been of paramount importance, we have always adhered to all recommendations from the Authorities.

Fire equipment, exit doors and electrical safety are top priority. We installed a disabled ramp to the side of the building for the convenience and safety of the elderly and infirm.

All events are staffed well and monitored to ensure the safety of the premises and patrons.

We adopt best practice as outlined in the guide published by BBPA and constantly monitor procedures to ensure they are implemented to a safe level.

Occupancy numbers for the concert hall are restricted to a maximum of 180/200 to ensure safety and comfort to patrons.

#### The Prevention of Public Nuisance:

This is a prime objective. Bad behaviour - though rare - has never been tolerated and people who misbehave are banned.

During renovation of the public bar and concert hall, double glazing was fitted to reduce noise levels

All litter is "picked" from outside the building on a regular basis.

CCTV has recently been installed internal and external to record any possible disorder.

Late night taxis are requested to pick up from the rear of the building to minimise noise, and signs inside the building request that all patrons leave quietly with due consideration for our neighbours.

#### The Protection of Children from Harm:

We have never tolerated risqué shows or behaviour, any child present has to be accompanied by an adult and all "strong language", sexual expletives, and unruly behaviour is not tolerated.

A "proof of age scheme" has been implemented since opening, all suspected under age are required to provide I.D. No I.D., no entry.

## **2.6 Relevant Representations:**

### **Responsible Authorities Representations**

Police - See Appendix 2

Environmental Health - See Appendix 3

## **Interested Parties Representations**

Interested Parties Representations - See Appendix 4

### **2.7 Policy Considerations**

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

*Statement of Licensing Policy*

#### **6.0 Crime and 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 (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 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 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.*

## *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.*

## **2.8 Officer's Report**

Matters raised by the Police include, crime and disorder, public safety and prevention of nuisance. Measures are proposed with a view to alleviating some of these matters.

A residents and the Environmental Health Officer refer to public nuisance concerns, and in view of the location of the premises and hours sought, it will be appropriate to consider restrictions and or conditions to be attached to any licence issued.



## **2.9 Recommendation**

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

### **List of Background Papers**

Application for Premise Licence

### **Officer Contact**

J. Sullivan Principal Officer Licensing

Tel (01639) 686326 email [j.sullivan@npt.gov.uk](mailto:j.sullivan@npt.gov.uk)

### **Wards Affected**

Glyncorrwg

### **3.1 Application for Transitional Premises Licence with variation**

Ref.No.: 002380 Wards Cimla  
Affected:  
Premises Name: The Cimla Hotel Public House  
Premises 151 Cimla Road, Cimla, Neath, SA11 3UG  
Address:  
Applicant Name: Punch Taverns Plc  
Applicant Jubilee House, Second Avenue, Burton Upon Trent, Staffs, DE14  
Address: 2WF  
DPS Name: Mr John Michael McAteer  
DPS Address: The Cimla Hotel Public House, 151 Cimla Road, Cimla, Neath,  
SA11 3UG  
Application 02/08/2005  
Date:

### **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 relevant licensable activities are presently:-

The Sale of Alcohol	Monday to Saturday	10:00-23.00
	Sunday	Noon-23.00
	(on and off premises)	

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

### **3.3 Variation Application**

Supply of Alcohol:

Monday - Saturday 11:00 - 00:00

Sunday 12:00 - 23:30

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

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

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Opening:  
Monday - Saturday 11:00 - 00:30  
Sunday 12:00 - 00:00

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

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

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Live Music:

Monday - Saturday 11:00 - 00:00

Sunday 12:00 - 23:30

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

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

A further additional hour every Christmas Eve.

A further additional hour every Boxing Day.

To reflect existing New Year's Eve/Day hours.

Recorded Music:

Times as above

Amplified recorded music ancillary to sale of alcohol.

Facility like Music/Dance - times as above

Amplified Karaoke ancillary to sale of alcohol.

### **3.4 Background Information**

Provided by applicant:

Public House located in the village of Cimla. It is a detached property and has commercial premises located either side of it.

Opposite are detached residential properties some 40 metres away.

Externally the pub has a beer garden to the rear and a car park to the side with parking for around 15 cars. Internally the pub comprises of a Public Bar, Lounge Bar both with ladies and gents toilets and a

small catering kitchen. Emergency lighting is fitted and certified as is the electrical installation. Fire fighting equipment is installed and serviced regularly.

### **3.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

#### General - all four licensing objectives:

Following an assessment of the premises and its surrounding areas the following is proposed:

30 minute 'drinking up' time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

#### The Prevention of Crime & Disorder:

CCTV is installed & operational there are 3 cameras which cover the car park, the rear of the pub and the third covers the front of the building and the front door.

The car park is lit and the front of the pub is lit.

The majority of customers are local.

We operate a zero tolerance policy to drugs and the users of drugs.

#### Public Safety:

Fire fighting equipment is installed and regularly serviced. Emergency lighting is installed and certified as is the electrical installation.

We hold a health and hygiene certificate and are registered with the local authority for food.

Staff are aware of the needs of disabled customers and offer assistance as required. Smoking is restricted to the rear area of the public bar.

The Prevention of Public Nuisance:

The pub has double glazing and windows remain closed at all times when music is played

Fans are installed to provide ventilation.

There are no adjoining local residents. Customers are requested to leave quietly at closing time and a sign is displayed to the same effect.

The Protection of Children from Harm:

Children are not permitted unless accompanied by an adult.

Children are restricted to the non smoking areas of the pub (lounge and front area of public bar).

Children are not permitted in the area where the cigarette machine and

AWP are located.

Children must vacate the premises by 21:00.

No nudity or partial nudity is permitted.

**3.6 Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 5.

Environmental Health

See Appendix 6

**Interested Parties Representations**

No representations

**3.7 Policy Considerations**

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

*Statement of Licencing 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.*

### **3.8 Officer's Report**

Concern is expressed by the Police with regard to the hours sought for Bank Holiday weekends which will impact on alcohol related crime and public nuisance.

The environmental health officer refers to the provision of live and recorded music and proposes restrictions on operating hours for these, in view of the location of the premises.

The use of the beer garden is also proposed to be restricted by the police and environmental health officer for similar reasons.

### **3.9 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**

Cimla

#### **4.1 Application for Transitional Club Premises Certificate with variation**

Ref.No.: 002360 Wards Aberavon  
Affected:  
Premises Name: Aberavon Liberal Club  
Premises 30 Ysguthan Road, Aberavon, Port Talbot  
Address:  
Applicant Name: Norma Walsh  
Applicant 30 Ysguthan Road, Port Talbot, SA12 6NE  
Address:  
Application 02/08/2005  
Date:

#### **4.2 Conversion Application**

The premises have operated as a registered club for many years and are entitled to a club premises certificate for the supply of alcohol with the previous permitted hours becoming conditions of the new certificate.

The relevant licensable activities are presently:-

The Supply of Alcohol	Monday to Saturday	10:00-11:00
	Sunday	Noon-23.00
	(on and off premises)	

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

#### **4.3 Variation Application**

Supply of Alcohol:  
Monday - Sunday 12:00 01:00

##### Non-standard Timings:

The premises will close 30 minute after last orders are supplied within the authorised hours.

Films:  
Monday - Sunday 12:00 00:00

##### Non-standard Timings:

Occasional exhibition to members and guests of DVD or VCR recorded material within the hours when alcohol is supplied.

Indoor Sports:  
Times as above



Live Music:  
Times as above

Recorded Music:  
Monday - Sunday 12:00 01:00

Facilities for Making Music:  
Times as above  
AMP Speakers

Facilities for Dance:  
Times as above  
Dancing in function room for members and guests to live and recorded music.

#### **4.4 Background Information**

Provided by applicant:  
Detached Property in Residential Road comprising 2 floors and cellar.  
Ground Floor - Entrance Hall, Bar, Games Room, Television Room, Committee Room and Gents Toilets.  
First Floor - Function Room with Bar area and raised stage, secretary office, ladies and gents toilets.  
Cellar - Cask and bottle store.

#### **4.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:  
CCTV surveillance monitors arrivals and departures at club main door.

Club management, stewardess and bar staff are fully informed of the Licensing Act 2003.

Objectives and statutory requirements to comply with all relevant provisions of the Act.

The Prevention of Crime & Disorder:

Club constitution includes rules covering the conduct of members and their guests within and adjacent to club premises admission to the club is confined to members and bona fide guests and monitored through a computerised door entry system.

Guests arriving unaccompanied are scrutinised via CCTV before admission and signing in by the member, club employees are instructed not to admit or serve members or guests who behave in a drunk or disorderly fashion.

Any misconduct is reported to committee to consider action under the clubs disciplinary code.

Public Safety:

The club complies with health and safety and fire precautions regulations following risk assessment preventative and control measures are in place to ensure the safety of members, guests, employees and entertainers while on premises.

The club complies with advised capacity limits.

Fire action notices are posted and emergency escape routes are sign posted.

The Prevention of Public Nuisance:

Signage is displayed near exits requesting members and guests to respect the needs of local residents by quietly leaving the premises when live and recorded music is played.

All reasonable steps are taken to avoid disturbance to neighbouring properties.

The Protection of Children from Harm:

Persons under eighteen are only allowed in club if accompanied by a member.

Door control ensures that any child seeking admission for any purpose are accompanied by an adult member.

Young adults applying for membership need to satisfy the committee by producing proof of age if required.

Children of members and guests may attend private parties in function room only if accompanied, committee members, stewardess and other staff members are aware of offence provisions of Licensing Act 2003 relating to alcohol and protection of children.

Signage is posted at all bars. Prohibiting direct and indirect supply of alcohol to children.

**4.6 Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 7.

## Environmental Health

See Appendix 8

## Interested Parties Representations

No representations.

### **4.7 Policy Considerations**

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

Statement of Licensing Policy

### **6.0 Crime and Disorder**

#### **6.9 (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.*

### **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.*

### **4.8 Officer's Report**

The Police representations refer to crime and disorder and prevention of public nuisance. Conditions are proposed to deal with these matters as well as suggested restrictions in relation to drinking up time.

The environmental health officer proposes restrictions on the hours that music is provided and also to the operating hours of the premises.

All these can be considered by members after hearing representations and submissions by the applicant.

#### **4.9 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](mailto:j.sullivan@npt.gov.uk)

#### **Wards Affected**

Aberafan