

**LICENSING (2003 ACT) SUB COMMITTEE**

**24<sup>th</sup> August 2005**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

**INDEX OF REPORT ITEMS**

**PART 1 – Doc.Code: LICAS-240805 -REP-FS-CJ**

<b>SECTION A – MATTERS FOR DECISION</b>		
<b>Report Item</b>	<b>Page Nos</b>	<b>Wards Affected</b>
<b>1. Licensing Act 2003 Premises Licence Applications</b>		
Ref.No.: 001883 Premises Name: The Lord Caradoc Premises Address: 69-73 Station Road, Port Talbot, W Glam, SA13 1NW	2 - 8	Port Talbot
Ref.No.: 001808 Premises Name: Priors Premises Address: Water Street, Margam, Port Talbot, West Glamorgan, SA13 2PA	9 - 17	Margam



For the avoidance of doubt, Good Friday and Christmas Day are included within the standard timings shown in this part. However, the position in relation to New Years Eve remains as existing under Licensing Act 1964 (i.e. on New Years Eve alcohol sales may continue until the start of trading hours on New Years Day).

Non-standard Timings:

On Christmas Eve until 2.00am

On Boxing Day until 2.00am

For an additional hour to the finish times on the following days:-

Burns Night - 25th January

Australia Day - 26th January

St David's Day - 1st March

St Patrick's Day - 17th March

St George's Day - 23rd April

St Andrew's Day - 30 November

For an additional 30 minutes to the finishing times on the following days:-

Thursday immediately preceding Good Friday

Sunday immediately preceding a Bank Holiday Monday

From 6.00am until the beginning of the standard hours or until 3.00am as follows:-

On no more than 12 occasions per calendar year. These extensions for the supply of alcohol can only take place if at least 7 days notice is provided to the Police and the Licensing Authority and only if the Police give their consent.

Opening Hours:

Monday to Thursday 07.00 - 01.30

Friday & Saturday 07.00 - 02.00

Sunday 07.00 - 01.30

Non-standard Timings:

In line with the hours mentioned under non standard timings in Box M plus an additional hour.

For an additional hour on the morning of the day the clocks go forward (in order to negate the effect of the change from British Summer Time to Greenwich Meantime).

Notwithstanding these usual opening times, the premises, in accordance with the converted right, may choose to open to the public at any time for non-licensable activities/purposes.

Late Night Refreshment:  
Monday to Sunday 23.00 - 00.30

Non-standard Timings:  
In line with the hours mentioned under non-standard timings in Box M.

#### **1.4 Background Information**

The premises operates as a public house. Alcohol and food are available throughout the public area. Private entertainment may also be provided within these areas. Such private entertainment is licensable if the local authority have adopted the Private Places of Entertainment (Licensing) Act 1967. Boxes E and G-K below have been ticked in relation to private entertainment only, but if the Private Places of Entertainment (Licensing) Act 1967 has not been adopted, then these boxes are not applicable. There is no restriction of the hours during which members of the public may be present on the premises. The premises also have an outside area where alcohol may be consumed. Children under 14 may also be allowed in the bar area in accordance with the Children's Certificate granted for the premises.

Recorded music may be played throughout the premises.

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

The following information has been provided by the applicant:

General - all four licensing objectives

Existing company procedures will be applied to the premises in relation to the additional hours that are requested, and further

information in respect of the Company procedures and policies can be found in the attached documents.

- JD Wetherspoon - Overview of Operations
- JD Wetherspoon - Approach to Responsible Drinks Retailing.

### The Prevention of Crime & Disorder

The Company is committed to strict compliance with the law in the course of the operation of its premises and to maintaining good standards of behaviour by its customers. The measures identified in the attached Overview of Operations are designed to meet the Prevention of Crime and Disorder objective and maybe found at sections A, B, C, D, E, F, G, I, J and L. These measures will continue to apply to the additional hours sought by this variation.

### Public Safety

J D Wetherspoon undertakes ongoing risk assessments in order to comply with Health and Safety legislation. The attached Overview of Operations identifies certain areas from a licensing perspective which address the Public Safety objective. Please see sections A, B, C, D, E I, J and L.

### The Prevention of Public Nuisance

There is to be no change in the trading terms of these premises other than the later opening hours sought by this variation. The existing measures identified in the attached Overview of Operations will continue to apply. Please see sections A, B, C, D, E, F, G, I, J and L.

### The Protection of Children from Harm

The company has many years of experience in catering for families with over 95% of its premises having the benefit of Children Certificates. It is company policy that children will be required to vacate the bar by 21.00, unless they are eating, in whcih case they will be required to vacate the bar by 21.30. Children must always be accompanied by an adult who will be required to maintain constant supervision of them. The measures identified in the attached Overview of Operations provided further confirmation of

the Company's compliance with the Protection of Children from Harm Objective. Please see sections A, B, C, D, G, I, J, K and L.

## **1.6 Relevant Representations:**

### Responsible Authorities Representations

#### Police

See Appendix 1

#### Planning

See Appendix 2

### Interested Parties Representations

No representations.

## **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 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

#### **Cumulative Impact**

- 3.2.1 *The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.*

#### **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**

The basis of the police representation is that there will be a negative cumulative impact on the crime and disorder objective in view of the extended hours sought.

The Authority does not presently have a special policy in respect of cumulative impact, but paragraph 3.21 of the Secretary of State's Guidance indicates that the licensing authority can properly consider the representations.

If members are minded to approve the application, conditions relevant to the crime and disorder and public safety objective are proposed.

The planning officer's representations draws attention to a condition restricting the times that customers can be in the premises.

It will be necessary to establish what impact this will have on promotion of the licensing objectives.

## **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**

Port Talbot





Patrons sitting at the outside tables will only be permitted to drink alcohol until 11.30pm each day

Opening Hours:

Monday to Sunday 07.00 - 02.30

Non-standard Timings:

for New Years Eve the premises will be open to the public throughout the night until normal opening hours on New Years Day in line with the current de-regulation

Films:

Monday to Sunday 07.00 - 02.00

Non-standard Timings:

On New Years Eve late night refreshment will be available continually until normal hours on New Years Day in line with the existing de-regulation

Indoor Sports - times as above

Non-standard Timings:

As above

Live Music - times as above

Non-standard Timings:

As above

Recorded Music - times as above

Non-standard Timings:

As above

Performance of Dance - times as above

Non-standard Timings:

As above

Activity like Music/Dance - times as above

Non standard Timings:

As above

Facilities for Dance - times as above

Non-standard Timings:

On New Years Eve late night refreshment will be available continually until normal hours on New Years Day in line with the existing de-regulation

Late Night Refreshment:

Monday to Sunday 23.00 - 02.00

Non-standard Timings:

On New Years Eve late night refreshment will be available continually until normal hours on New Years Day in line with the existing de-regulation

The applicant is also seeking to remove the following restrictions:-

- (1) The restriction that only two persons can provide entertainment in the function room/dinning room.
- (2) The restriction that music and dance is not permitted on Good Friday.

## **2.4 Background Information**

The premises is a detached property of brick and slate construction, in its own grounds.

The licensed area of the premises is situated on the ground floor, divided into a lounge and restaurant area. Both these area can be readily supervised from the servery area. To the outside is a paved area on which are situated tables and chairs; and a grassed area on which it is intended to place a marquee for wedding reception and other functions.

## **2.5 Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives

All Staff will be trained as to the standards required by the Designated Premises Supervisor

All staff will be trained as to their responsibilities under the Licensing Act, especially regarding under age sales, and sales to intoxicated persons.

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

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

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

#### The Prevention of Crime & Disorder

The premises can be well supervised by staff located at each of the servery areas.

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

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

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

Marquee events will be ticket only, by invitation only.

#### Public Safety

The capacity of the premises will be 100 persons, who are mainly of an older age group.

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

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

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

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

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

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

Any marquee erected on the outside area for a pre arranged function will be to the required safety and fire standards. The capacity of the marquee will be set in accordance with size of the marquee.

#### The Prevention of Public Nuisance

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

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

Music and dance will be provided in the restaurant area and in the marquee to pre-arranged private functions. There will be no public admittance by payment or otherwise to such events pre-arranged events in the marquee.

The area of tables to the outside of the premises will be vacated by customers at 23.30 as instructed by staff, to reduce annoyance to residents. This area will be regularly supervised by staff to ensure behaviour standards are met and to minimise the risk of any annoyance.

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

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

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

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

The premises is located in part of the grounds of the Lakeside Golf Club. The premises benefits from a substantial private car park, therefore nuisance from car parking should be negligible.

There are no near neighbours, therefore any nuisance should be minimal. The nearest neighbour is a stone built property approximately 75 yards away, separated by the busy road of Water Street.

#### The Protection of Children from Harm

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible adult. The premises is a predominantly food orientated environment. A range of non-alcoholic drinks will be available for any young persons in the premises.

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

Proof of age will be required from any person who appears to be under the age of 18 years. Proof of age will be by photographic drivers licence passport or other official photographic I D.

Children will not be permitted in the premises beyond 23.00 on any day and beyond midnight when an area of the premises is being used for a private function.

## **2.6 Relevant Representations:**

### Responsible Authorities Representations

#### Environmental Health Officer

Please see representations at Appendix 3.

### Interested Parties Representations

No representations.

## **2.7 Policy Considerations**

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

### Statement of 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.*
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## Secretary of States Guidance

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## **2.8 Officer's Report**

The representations of the Environmental Health Officer relate to the usage of the marquee.

The potential for noise nuisance in view of the location of the premises and the fact that music and dancing are to be provided in the marquee, is significant.



Intermittent usage may not give rise to problems, whereas very regular use could attract complaints.

## **2.9 Recommendation**

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

### **List Of Background Papers**

Application for Premises Licence.

### **Officer Contact**

J Sullivan Principal Officer Licensing

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

### **Wards Affected**

Margam