

LICENSING & GAMBLING ACTS SUB COMMITTEE
24th November 2009

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL & DEMOCRATIC SERVICES
– D.MICHAEL

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-241109-REP-FS-DM

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Licensing Act 2003 Applications			
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Description:	Small Society Lottery Registrations	9 & 10 Appendix 4	All

1. Application for a Premises Licence

		Wards Affected:	Taibach
Premises Name:	Taibach RFC		
Premises Address:	23 Commercial Road, Taibach, Port Talbot, SA13 1LN		
Applicant Name:	Taibach Rugby Football Club		
Applicant Address:	23 Commercial Road, Taibach, Port Talbot, SA13 1LN		
DPS Name:	John Vivian Daniel		
Application Date:	14 th October 2009		

1.1.1 Licence application

The opening hours of the premises

Monday to Sunday : 06.00 – 02.30

Supply of alcohol: on premises only

Monday to Sunday : 06.00 – 02.00

Plays: Indoors

Monday to Sunday : 06.00 – 00.00

Films: Indoors

Monday to Sunday : 06.00 – 00.00

Indoor sporting events

Monday to Sunday : 06.00 – 00.00

Live music: Indoors

Monday to Sunday : 06.00 – 02.00

Recorded music : Indoors

Monday to Sunday : 06.00 – 02.00

Performance of dance : Indoors

Monday to Sunday : 06.00 – 00.00

Provision of facilities for making music: Indoors
Monday to Sunday : 06.00 – 02.00

Provision of facilities for dancing: Indoors
Monday to Sunday : 06.00 – 02.00

Late night refreshment : Indoors
Monday to Sunday : 23.00 – 00.00

1.2 Background Information

(provided by the applicant)

Taibach RFC is a club that was established in 1884. It owns its own premises and is a central part of the community of Taibach. It operates a bar, lounge and first floor function room known as the Talbot Suite. It has an enclosed outside area for smoking. Alcohol sales on and off the premises are made. Live music, recorded music, performances of dance take place. Activities like music/dance are provided. There are facilities for making music/dance. Stage shows are provided, films are shown, conference facilities are available, celebratory functions like wedding receptions, engagements, wakes take place, food is provided. Darts and pool are played, rugby teams represent the club.

1.3 Promotion of Licensing Objectives

The following information has been provided by the applicant: -

General – all four licensing objectives

The club is based within the community of Taibach and is successful. It wants to open the premises to non members in the community. This will sustain its appeal and financial viability. It will offer facilities to members and non members. It will operate in a responsible manner as it always has.

The Prevention of Crime and Disorder

Security staff and attendants will be employed as and when necessary. The Police will be alerted in case of any problems. Troublemakers will be banned. I.D will be required if necessary.

Public Safety

Regular fire and electrical tests undertaken. Environmental Health standards employed. Requirements of the Fire Officer are met.

The Prevention of Public Nuisance

No re-admittance to the club premises will take place after 11pm to allow an orderly dispersal until closing time. Windows and doors will be secured to prevent light and noise pollution. No smoking at the front or loitering outside or in the front will be allowed.

The Protection of Children from Harm

ID will be required if necessary. Children under the age of 12 will have to be accompanied by an appropriate responsible adult. No admission to plays or films other than in accordance with the licensing policy.

1.4 **Relevant Representations**

Responsible Authorities

PC John Williams – South Wales Police

Tony John – Environmental Health

The above representations are reproduced at appendix 1

Interested Parties

Mr B. Jenkins – 21 Commercial Road, Taibach, Port Talbot, SA13 1LN

Mrs A. Love – 24 Commercial Road, Taibach, Port Talbot, SA13 1LN

Mrs O. Owen – 9 Commercial Road, Taibach, Port Talbot, SA13 1LN

Mr K. Daycock – 15 Commerical Road, Taibach, Port Talbot, SA13 1LN

Mr D. R. Jones – 38 Ffrwdwyllt Street, Taibach, Port Talbot, SA13 1TH

The above representations are reproduced at appendix 2

1.5 **Policy Considerations**

Licensing Policy

6.2 The Council acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The Council expects the licensing trade to fully co-operate and play its part in minimising crime and disorder.

6.5 Applicants will be required to consider measures to prevent crime and disorder. The following are examples of control measures that may need to

be addressed in the operating schedule, having regard to their particular type of premises and/or activities: -

- (a) Effective and responsible management of premises
- (b) Training and supervision of staff
- (c) The internal layout and the location of various pieces of equipment within premises, including the position of cash registers, gaming machines etc.
- (d) The provision location and suitability of any CCTV and the need for Police and local authority to have right of access to tapes.
- (e) The use of plastic or toughened drinking vessels.
- (f) The adequacy of staffing levels to maintain a safe environment.
- (g) Management policy and action in relation to people who become intoxicated or disorderly.
- (h) Participation in Pub watch or other similar schemes.
- (i) The controls in place to prevent the use or supply of illegal drugs, including entry policies and search procedures.
- (j) The policy/procedure in respect of age verification and preventing sales of alcohol to under age people.
- (k) Adoption of best practice guidance (e.g. safer clubbing, Security by design etc)
- (l) The likelihood of disorder, if a licence is granted.

8.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The Council wishes to maintain and protect the amenity of residents and businesses from potential consequence of the operation of licensed premises. However it also recognises

8.2 The Council will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be determined by the style and characteristics of the premises and events

Secretary of State's Guidance

2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television cameras both inside and immediately outside the premises can actively deter disorder, nuisance

and anti-social behaviour and crime generally. Some licensees may wish to have cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.7 Similarly, the provision of requirements for door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying firearms do not enter the premises, reducing the potential for crime and disorder, and that the police are kept informed.

2.33 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.

1.6 Officer Report

This premises currently hold a club premises certificate authorising the supply of alcohol to members and regulated entertainment. The current operating hours of the premises are shown below: -

Sale of alcohol

Sunday to Thursday : 10.00 – 23.00

Friday & Saturday : 10.00 – 00.00

Plays

Sunday to Thursday : 18.00 – 23.00

Friday & Saturday : 18.00 – 00.00

Live music

Sunday to Thursday : 12.00 – 23.00

Friday & Saturday : 12.00 – 00.00

Recorded music

Sunday to Thursday : 12.00 – 23.00

Friday & Saturday : 12.00 – 00.00

Performance of dance

Sunday to Thursday : 12.00 – 23.00

Friday & Saturday : 12.00 – 00.00

Facilities for making music

Sunday to Thursday : 12.00 – 23.00

Friday & Saturday : 12.00 – 00.00

Facilities for dance

Sunday to Thursday : 12.00 – 23.00

Friday & Saturday : 12.00 – 00.00

Conditions attached to the current club certificate

- Beer Garden to close at 22.00
- Premises to close 30 minutes after end of licensable activities
- Premises will open for an additional hour on the Sunday before a Bank Holiday Monday.
- 12 special event days per calendar year, 10 days notice to Police who will have absolute veto.
- Door and windows will be closed whenever regulated entertainment is provided.
- A documented procedure must be in place to verify the age of person who appear to be under eighteen years of age to prevent them gaining access to the premises and / or purchasing alcohol.

The means of verification should be restricted to:-

1. Accredited Proof of Age Scheme's e.g Portman, Validate
2. Photocard driving licence or passport.

Negotiations between the Police and the applicant have resulted in their representation being withdrawn. A copy of the agreement is shown at appendix 3.

The applicant has also agreed with the Environmental Health Officer that the following condition be included on any licence issued “Entertainment noise shall be inaudible inside any noise sensitive property” Consequently the representation from the Environmental Health Officer has been withdrawn.

The representations that remain are those that have been made by the five interested parties i.e. local residents.

1.7 Recommendation

That members determine the application after hearing all submissions

1.8 List of Background Papers

Application for a Premises Licence
Licensing Policy
Secretary of State’s Guidance

1.9 Wards Affected

Taibach

1.10 Officer Contact

J Sullivan – Licensing Manager
Tel 01639 763056 – email j.sullivan@npt.gov.uk

2.0 Small Society Lottery Registrations

Purpose of Report

To consider the cancellation of small society lottery registrations where the relevant organisation has failed to pay the annual fee.

Background

Lotteries are defined as games of chance where no element of skill is involved. Thus raffles, prize draws and sweep stakes etc. are all deemed to be lotteries. A registration is required where the public are invited to participate.

Society lotteries are lotteries promoted for the benefit of a non-commercial society. A society is non-commercial if it is established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity, or
- for any other non-commercial purpose other than that of private gain.

Examples of these are football clubs, rugby clubs and parent teachers association.

In September 2007 registrations held with the authority under the Lotteries and Amusements Act 1976 were transferred into registrations under the Gambling Act 2005. The Gambling Act 2005 dictates that the promoting society must, throughout the period during which the lottery is promoted, be registered with the local authority in which their principal office is based.

Registrations run for an unlimited period, unless the registration is cancelled. The current fee for registration is £40 and the society is required to pay an annual fee of £20.

If a registered society fails to pay the annual fee the authority may cancel the society's registration. A letter informing the society that the annual fee is due is sent at least one month before the due date. A further letter informing the society that payment has not been received is sent once the fee becomes overdue.

A list of the societies that have failed to pay their annual fee and the date on which this fee was due is shown at appendix 4.

Recommendation

That members cancel the Small Society Registrations relating to the listed organisations with immediate effect.

List of Background Papers

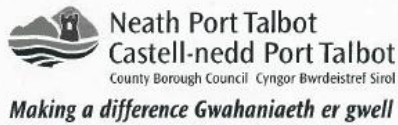
Gambling Act 2005

Ward Affected

All

Officer Contact

J.M. Sullivan
Licensing Manager
Tel. (01639) 763056
Email: j.sullivan@npt.gov.uk



Mr Tony John From **Oddi wrth**
01639 685630 Tel **Ffôn**
14/10/2009 Date **Dyddiad**
Your Ref **Eich Cyf**
Our Ref **Ein Cyf**
TJ/156802

Memorandum Memorandwm

To At

TO: Licensing Section FAO Jim Sullivan

SUBJECT: Licensing Application received for a Premise Licence – Taibach RFC

I have the following comments to make relating to the application listed –

1. In order to promote the licensing objective to prevent public nuisance I recommend that any licence granted shall include the condition – “that all regulated entertainment shall be inaudible inside any noise sensitive property”

Mr Tony John
Environmental Health Officer

Val Cotton

From: John.B.Williams@south-wales.pnn.police.uk
Sent: 15 October 2009 15:42
To: Val Cotton; Jim Sullivan; Neil Chapple; Peter Malough; Sarah Bartle; Gareth Jones
Subject: Taibach Rugby Club

In respect of the application for the above premises licence, I wish to make the following observations:

1. In paragraph M on page 12, there is no indication as to the extent of alcohol consumption, whether on or off the premises, or both.
2. In the same paragraph, reference is made to seasonal variations and non-standard timings, but it not specified what these are.
3. In paragraph O on page 13, non standard timings refer to Major Sporting Events. The extent and frequency of this request needs to be specified.
4. In paragraph P, section d on page 14 "No re-admittance after 11pm" should include admittance also.
5. In paragraph P, section e on page 14, children under 16 years must be accompanied by an adult.

Submitted for your information and consideration,

John Williams

Constable / Cwnstabl
Licensing Officer / Swyddog Trwyddedau
Community Safety / Adran Diogelwch y Gynuned
Port Talbot Police Station / Gorsaf Heddlu Port Talbot
South Wales Police / Heddlu de Cymru

 Internal / Mewnol: 51207
 External / Allanol: 01639 640207
 john.b.williams@south-wales.pnn.police.uk

21 Commercial Road
Taibach
Port Talbot
SA13 1LN

Mr Peter Malough
Senior Licensing Officer
Licensing Section
Neath Port Talbot Council
Civic Centre
SA13 1PJ



Reference: Application for extension of licence: Taibach Rugby Club
Commercial Road
Taibach
SA13 1LN

Dear Sirs,

I would like to object to the proposed license extension of Taibach Rugby Club.

I currently live in the property next door to the Rugby Club in Taibach and have been made aware that an application for an extension of licence has been made on behalf of the Rugby Club extending the current licensing hours from 11pm Sunday to Thursday and midnight Friday and Saturday, to 2am, 7 days per week.

At present, the weekend licensing hours can impose on my quality of life, due to the midnight finish of the Rugby club and the customers leaving, taxis arriving, for at least an hour after that time.

I have suffered damage to my car and property, and have had windows in my property smashed and my front door suffered such damage that it had to be replaced. The police have attended the Rugby Club on several occasions.

The noise from the Rugby Club is sometimes intolerable as it is audible even when windows and doors are shut. Occasional youth parties at the Rugby club tend to escalate the problems outside at night further.

I fully accept that I live next to a licensed premises. However, with the proposed extension of 2 hours per night, the noise and potential damage to myself and other residents of this area who are probably unaware of the proposed extension of licensing hours, (as the extension of hours is not shown on the circulated application), will be unacceptable, and extend the current general disruption of the weekend, to 7 days a week.

Yours faithfully
Barrie Jenkins

24 Commercial Road
Taibach
Port Talbot
SA13

Mr Peter Malough
Senior Licensing Officer
Licensing Section
Neath Port Talbot Council
Civic Centre
SA13 1PJ



Dear Sir,

I live opposite the rugby club and have lived there all my life and I wish to object to the proposed extension of licensing hours at the establishment. I feel the current late night noise and disturbances outside the club are more than enough to put up with. To ask residents to put up with these problems possibly up to 2am or onwards, I think is totally unfair.

Yours sincerely
Mrs A. Love

A Love.

LICENSING

9 Commercial Road
Taibach
Port Talbot
SA13 1LN

Mr Peter Malough
Senior Licensing Officer
Licensing Section
Neath Port Talbot Council
Civic Centre
SA13 1PJ

Reference: Application for extension of licence: Taibach Rugby Club
Commercial Road
Taibach
SA13 1LN

Dear Mr Malough,

I would like to object to the proposed license extension of Taibach Rugby Club.

I currently live in Commercial Road with my son, and have been informed that the Rugby Club are now intending to apply for a licence which will extend the licensing house until 2am each day of the week.

I currently find the weekends very noisy with customers from the club leaving in the early hours of the morning, throwing litter into my garden, and I have heard fighting and swearing as they leave the club, which has an impact on everyone who lives in this part of Taibach.

I am worried that this noise will become intolerable even further into the night by the increase in hours that customers will be able to drink.

Yours sincerely
Olga Owen (Mrs)

Mrs O Owen

15 Commercial Road
Taibach
Port Talbot
SA13

Mr Peter Malough
Senior Licensing Officer
Licensing Section
Neath Port Talbot Council
Civic Centre
SA13 1PJ



Dear Sirs,

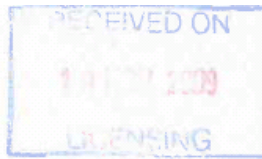
I would like to object to the current application that has been put forward for a proposed extension of licensing hours at Taibach Rugby Club.

I feel the current licensing hours which are 11pm Monday to Thursday and 12pm on Friday and Saturday evenings are already adequate. I currently experience late night noise and disturbances due to people leaving at this late hour. On numerous occasions I have had to call the police because of this and also due to damage on my vehicle. I have also seen police there in attendance on many other occasions.

I do not wish to have to experience these noise disturbances any later than I already am experiencing. The proposed application for extension of licensing to 2am, 7 days a week will have an even bigger impact on my life than it is already having.

Yours sincerely
Keith Daycock





38 Ffrwdwyllt St,
Taibach,
Port Talbot
SA13 1TH.
9th October 2009

*Neath Port Talbot Council
Public Entertainment Licencing Committee*

RE: Proposal for an extension to the Licence at the Taibach Rugby Club

To whom it concerns,

I am writing regarding the proposal of the extension of licence to the Taibach Rugby Club. Firstly, I think it is **disgraceful** that you have considered this proposal as rules regarding their current licence are not being executed. As I am aware, current regulations state that all window and doors are to be shut by 10pm, as the club is located in a residential area. However, this does not happen as doors are still open until midnight, and music **blasts** not only from the jukebox but also from the featured DJ allocated in parties.

Secondly, extending the late licence will increase the number of underage juveniles drinking **alcohol** and taking **drugs** in the neighbouring Ffrwdwyllt St lane. Not only is this disruptive to the residents, but when using this lane for access to the rear of the property, parking cars in garages etc, you have to tolerate the **stench of urine** and dodge the large amounts of glass bottles which are strewn all over the floor. This potentially resulting in the damage of vehicles for both residents and businesses.

Moreover, with the build up of youths who get out of control, residents in addition; have to put up with **vehicles getting damaged**. Several **wing mirrors** have been hit and cars have been **scratched**. Out of control youths result in the **police** being called to try and control the overpowering, disrespectful, immature idiots.

In addition, on big event days such as International Tests and local derbies, not only is it the youths residents have to put up with, there are **adults** who also do not show residents value with the use of **foul language** which can be heard from both the **rear and front** of the premises which does not set an example to visitors to the area or other members of the public using other amenities in the area.

Furthermore, being a residential area, and the club being located in-between two schools, an extension of the licence will upset the parents of young children in the community by **noise levels being exceeded** when people are evacuating the premises not giving consideration to the neighbouring residents.

I hope you will give this proposal deep thought, as an extension to the licence is an **appalling** idea not supported by the residents in Taibach.

Yours Truly,

Mr D R Jones

Val Cotton

From: John.B.Williams@south-wales.pnn.police.uk
Sent: 22 October 2009 10:02
To: Val Cotton; Jim Sullivan; Peter Malough; Gareth Jones; Sarah Bartle; Neil Chapple
Subject: FW: Taibach RFC

In respect of the e-mail received from Kevin Lane regarding my observations to the application of Taibach RFC, the response is acceptable and the application agreed.

Submitted for your information and consideration,

John Williams

Constable / Cwnstabl
Licensing Officer / Swyddog Trwyddedau
Community Safety / Adran Diogelwch y Gynuned
Port Talbot Police Station / Gorsaf Heddlu Port Talbot
South Wales Police / Heddlu de Cymru

 Internal / Mewnol: 51207
 External / Allanol: 01639 640207
 john.b.williams@south-wales.pnn.police.uk

From: Kevin Lane [mailto:Kevin.Lane@kevinlane.co.uk]
Sent: 20 October 2009 11:14
To: Williams,John swp1016
Subject: Taibach RFC

Dear John

I have received a copy of your email of the 15th October 2009

As far as your observations are concerned I have taken instructions from my clients and reply as follows:-

1. There will be on sales only NO off sales – my letter of the 14th October refers
2. As far as seasonal and non-standard timings are concerned my clients will not proceed with these and will rely on the standard days and timings only
3. My clients will rely on the standard timings only
4. My clients would not want to operate a closed door policy at 11pm but would accept a no admittance after 1am
5. My clients accept that children under 16 years must be accompanied by an adult

Perhaps you would consider the above and come back to me

Kind Regards

Kevin

Annual Fees Due

<u>Licence Number</u>	<u>Society</u>	<u>Fee Due</u>
LO-0089	Admiral Earl Mountbatten Lodge No.1032	31/12/2008
LO-0139	British Lung Foundation Wales	01/04/2009
LO-0131	Bryncoch RFC Junior Section	12/11/2008
LO-0040	Dulais Valley Parish	31/12/2008
LO-0049	Friends of Blaendulais Primary School	11/10/2009
LO-0140	Our Lady of Margam	09/07/2009
LO-0129	Llansawel Association Football Club	31/12/2008
LO-0138	Owain Glyndwr Society	12/03/2009
LO-0112	Pontardawe & District Youth Society	31/12/2008
LO-0012	Rhiwfawr Community Association	31/12/2008
LO-0065	Royal British Legion, Aberdulais	31/12/2008
LO-0142	Special Needs Activity Club (SNAC)	14/07/2009
LO-0091	St Therese's Catholic Primary School	31/12/2008
LO-0133	Trebanos Mixed Choir	31/12/2008
LO-0118	Trebanos RFC	31/12/2008