

LICENSING (2003 ACT) SUB COMMITTEE

25th July 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES

– C.A. JOHN

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1. Licensing Act 2003 Club Licence Applications		
Ref.No.: 001669 Premises Name: Godre'r-graig Workingmens Club Premises Address: Glanyrafon Road, Godrergraig, Swansea, SA9 2DE	3-8	Godre'rgraig

SECTION B – MATTERS FOR INFORMATION	
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2. Licensing Act 2003 Applications Determined Between 01/02/05 – 30/4/05	See Report 9-10

1. Licensing Act 2003 Club Premises Certificate Applications

1.1. Licence Application for Transitional Club Premises Certificate with variation

Ref.No: 001669 Wards Godre'rgraig
Affected:
Premises Name: Godre'r-graig Workingmens Club
Premises Address: Glanyrafon Road, Godrergraig, Swansea, SA9 2DE
Applicant Name: Mr J L Lewis
Applicant Address: Godre'r-graig Workingmens Club, Glanyrafon Road, Godrergraig, Swansea,
Application Date: 09/06/2005

1.2. Conversion Application

The premises have operated as a registered club for many years, and are entitled to a Club Premises Certificate in respect of the existing registration certificate and conditions.

The relevant licensable activities are presently:-

The Supply of alcohol Monday to Saturday 10.00am - 11.00pm
Sunday Noon - 10.30pm
(on and off premises)

1.3. Variation Application

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

Plays:

Monday to Thursday 11.00 - 00.00

Friday to Sunday 11.00 - 01.00

Films - times as above

Indoor Sports - times as above

Boxing or Wrestling - times as above

Live Music:

Monday to Thursday 11.00 - 00.00

Friday to Saturday 11.00 - 02.00

Sunday 11.00 - 01.00

Recorded Music:

Monday to Thursday 11.00 - 00.00

Friday to Sunday 11.00 - 01.00

Performance of Dance:

Monday to Sunday 11.00 - 00.00

Activity like Music/Dance - times as above

Facilities for Making Music - times as above

Facilities for Dancing:

Monday to Thursday 11.00 - 00.00

Friday to Sunday 11.00 - 02.00

Sunday 11.00 - 01.00

Supply of Alcohol:

Monday to Thursday 11.00 - 00.00

Friday to Sunday 11.00 - 02.00

1.4. Background Information

The premises are a single storey detached building with its own private car park. It is located approx 200 yards from the nearest residential property. The premises comprise a bar area, lounge and concert hall with stage.

1.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

Disciplinary procedures

Admission of members procedure

Door Control

Instruction to staff not to serve disorderly persons

Public Safety:

Club complies with Health and Safety and Fire Regulations

Capacity limits

Fire and Safety notices

The Prevention of Public Nuisance:

Signs at exits requesting members to leave quietly

The Protection of Children from Harm:

Under 16's to be accompanied

Under 18's not allowed alcohol

No under 18's in premises after 21.00 hrs

Door control

Limitations to certain areas at certain times

Proof of age requirements

Police Act 1997 with reference to employees

1.6. Relevant Representations

Responsible Authorities Representations

Police

In respect of the conversion and variation for Club Premises known as Godre'graig Workingmens Club, I wish to object to the application for the following reasons:

1 It is proposed that the sale of alcohol will be permitted until midnight Monday until Thursday, and until 2.00am Friday and Saturday, 1.00am on Sunday. Regulated entertainment will be also be to late hours. I would question how appropriate it is for premises to be open for these hours. There will be a potential disturbance from the activities as well as from pedestrian and vehicular traffic that will result from the premises closing at such a late hour. This will be contrary to the objective of the prevention of public nuisance.

2 Paragraph L, relates to the licensing of a community fete situated approximately 400 yards away from these premises. These premises may need to be licensed separately, it would not appear that they should be encompassed by this licence. This certificate only allows for the service of members, I assume that patrons of this event would not all be members , which would also indicate this to be inappropriate.

3 The licensing objectives in respect of prevention of public nuisance does not address how the premises will minimise noise

pollution that will result from the activities.

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

8.2 *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.*

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

The following provisions of the Secretary of State's Guidance appear to be relevant to this application:-

7.0 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 committee is required to determine this application after taking into consideration the need to promote the licensing objectives and also the guidance issued by the Secretary of State and the Neath Port Talbot Statement of Licensing Policy.

The following observations are made in respect of the representation received;

Prevention of Public Nuisance

The Premises are located approximately 200 yards from the nearest dwelling. Members will need to consider whether the imposition of noise conditions are required and if so will they be effective so as not require any restriction of hours for regulated entertainment.

1.9 Recommendation

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

List of Background papers

Application for Club Premises Certificate

Officer Contact

J Sullivan Principal Officer Licensing

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Wards affected

Godre'graig

SECTION B – MATTERS FOR INFORMATION	
Report Item	Wards Affected
2.Licensing Act 2003 Applications Determined Between 01/02/05 to 30/04/05	
Description: Transitional Personal Licence Ref.No.: 001342 Name: Mr Neil Isaac Address: 50 Dulais Road, Seven Sisters, Neath, SA10 9ER Application Date: 10/03/2005 Issue Date: 26/04/2005	Seven Sisters
Description: Transitional Personal Licence Ref.No.: 001408 Name: Mr Keith A Woodward Address: 8 Roman Road, Banwen, Neath, West Glamorgan, SA10 9LH Application Date: 30/03/2005 Issue Date: 26/04/2005	Onllwyn
Description: Transitional Personal Licence Ref.No.: 001439 Name: Mrs Beryl Thomas Address: 29 Graig Road, Gwaun Cae Gurwen, Ammanford Application Date: 08/04/2005 Issue Date: 26/04/2005	Gwaun-Cae-Gurwen
Description: Transitional Personal Licence Ref.No.: 001449 Name: Mrs Paula Sonia Davies Address: 10 Baglan Heights, Port Talbot, SA12 8UF Application Date: 12/04/2005 Issue Date: 26/04/2005	Baglan
Description: Transitional Personal Licence Ref.No.: 001450 Name: Mrs Janet Margaret Wigley Address: The Bryncoch Inn, Tyn Yr Heol Road, Bryncoch, Neath, SA10 7EB Application Date: 12/04/2005 Issue Date: 26/04/2005	Bryncoch South
Description: Transitional Personal Licence Ref.No.: 001451 Name: Mr Aldo Proietti Address: Dunes Inn, Wyvern Avenue, Port Talbot, West Glamorgan, SA12 7ER Application Date: 13/04/2005 Issue Date: 26/04/2005	Sandfields West

Description: Transitional Personal Licence Ref.No.: 001453 Name: Mrs Eileen Rees Address: Kitty O'Sheas, 6 James Street, Pontardawe, Swansea, SA8 4LR Application Date: 15/04/2005 Issue Date: 26/04/2005	Pontardawe
Description: Transitional Personal Licence Ref.No.: 001462 Name: Mr Harbans Singh Address: Bryncoch Supermarket, 29 Furzeland Drive, Neath, West Glamorgan, SA10 Application Date: 20/04/2005 Issue Date: 26/04/2005	Bryncoch North