

**LICENSING AND GAMBLING ACTS  
SUB COMMITTEE  
(LICENSING ACT 2003 HEARING)**

(Civic Centre, Neath)

**Members Present:**

**25<sup>th</sup> August, 2009**

**Chairman:** Councillor E.V.Latham (Minute Nos. 2 and 4)

**Vice Chairman:** Councillor A.P.H.Davies

**Councillor:** T.J.Sullivan

**Substitute:** Councillor H.N.James (Minute No. 3 only)

**Officers in Attendance:** J.Sullivan (Licensing Manager),  
I.Davies (Legal Section),  
Miss. C.Grocutt (Committee Section) and  
Mrs. T.Davies (Committee Section)

**Representing the  
South Wales Police:** P.C. J.Williams

**Applicants:** Mrs.D.Davies, Miss N. Davies, D.Morgan  
(Royal Dock), G. Brennan and M.Phipps (Dylan's)

**Premises Licence  
Holder:** P.Mardon and M.Phipps (Full Moon)

**Interested Party:** Miss. S.Joseph (Royal Dock)

**Others:** M.Murray and D.Stephens (Full Moon)

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1. **MEMBER'S DECLARATION OF INTEREST**

The following Member made a declaration of interest at the commencement of the meeting:-

Councillor E.V.Latham - Minute No. 3 re: Dylans, Old Market Place, Cwmavon – as the applicant is known to him personally.

### **Report of the Head of Legal and Democratic Services**

#### **2. APPLICATION FOR A PREMISES LICENCE – THE ROYAL DOCK, 2A VILLIERS STREET, BRITON FERRY, NEATH**

The Sub Committee was asked to consider an application for a premises licence for The Royal Dock, 2a Villiers Street, Briton Ferry, Neath. The applicant was not able to attend the meeting, but was represented by his wife, Mrs. D.Davies; daughter, Miss. N.Davies and cousin, Mr. D.Morgan. Also present was Miss. S.Joseph, interested party.

Mr. J.Sullivan, Licensing Manager, informed Members that the premises had held a licence authorising the sale of alcohol from 2005 to 4<sup>th</sup> March, 2007. The current applicant had liaised with the Police and had agreed to reduce the premises opening hours as follows:-

Sunday to Thursday: 11.00 - 00.30  
Friday and Saturday: 11.00 - 01.30

and the sale of alcohol:

Sunday to Thursday: 11.00 - 00.00  
Friday and Saturday: 11.00 - 01.00

Due to these negotiations, the Police withdrew their representation. There were 3 letters received from interested parties. Miss S.Joseph (local resident) was present at the meeting and was concerned with both the social and premises noise. The representation from Environmental Health was withdrawn as the applicant has agreed to the following condition being imposed on the licence. “Entertainment noise from the premises will not be audible inside the nearest noise sensitive property”.

After listening to all parties concerned, the Sub Committee adjourned to make its decision.

**RESOLVED:** that the above application be approved, subject to the revised opening and sale of alcohol hours as outlined above and subject also to the additional condition as detailed above.

3. **APPLICATION FOR VARIATION OF A PREMISES LICENCE – DYLAN'S, OLD MARKET PLACE, CWMAVON, PORT TALBOT** (Councillor E.V. Latham disclosed an interest in this matter and left the room during the discussion and voting thereon – Councillor A.P.H.Davies took the Chair in his absence and Councillor H.N.James substituting).

The Sub Committee was asked to consider an application for an extension in opening hours as detailed in the circulated report.

Mr. D. Morgan (Punch Taverns) and Mr. G. Brennan (Designated Premises Supervisor of Dylans) were also in attendance. The Sub Committee took note of the letter from an interested party regarding her concerns over noise. The representation from Environmental Health was withdrawn as the applicant has agreed to the following condition being imposed on the licence. "Entertainment noise from the premises will not be audible inside the nearest noise sensitive property".

Mr. M. Phipps explained on behalf of Dylans that there had been no variation to the hours of opening in the past 4½ years. He indicated that Dylans would like the flexibility to open for the extra hours, in order to not be disadvantaged when competing with other pubs in the local area. P.C. J.Williams explained that there had been no issues with these premises in the past.

After listening to all parties concerned, the Sub Committee adjourned to make its decision.

**RESOLVED:** that the above application be approved, subject to the additional condition as detailed above.

4. **APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE – THE FULL MOON, THE PARADE, NEATH**

The request for a Summary Review of The Full Moon, Neath, had been received from the South Wales Police. Also in attendance at the meeting were Mr. P.Mardon (SA Brain); Mr. M.Murray (Designated Premises Supervisor (DPS), Full Moon) and Mr.D.Stevens (friend of the DPS).

Mr. J.Sullivan informed Members that since the printing of the circulated report, Mr. M.Murray had transferred the premises licence to SA Brains, although he still remained as Designated Premises Supervisor (DPS). He was advised that the review related to the premises and the premises licence holder, and the DPS had no legal status at the hearing, but that he was welcome to remain as an observer.

The premises licence had been suspended on 7<sup>th</sup> August, 2009 following a Summary Licence Review at a meeting of the Licensing and Gambling Acts Sub Committee, and SA Brain had since taken the decision to remove Mr. Murray from his accommodation within the premises, by 1<sup>st</sup> September, 2009.

Mr. M.Phipps advised that Mr. Murray had been a tenant of S.A. Brain for the past 5 years. However, SA Brain requested that the Sub Committee would lift the suspension on the licence following the appointment of a new DPS.

P.C. J.Williams outlined the reasons for his application for a summary review, and acknowledged the transfer of the licence and the assistance given by SA Brain in dealing with this matter. In order to address the concerns of the police he submitted that Mr. Murray be removed as DPS and the premises be reopened only after the Police were satisfied with SA Brain's proposal for any future DPS.

After listening to all parties concerned, the Sub Committee adjourned to make its decision.

**RESOLVED:** (a) that Mr Michael Murray be removed as the Designated Premises Supervisor (D.P.S.) forthwith;

- (b) that the suspension imposed at the Interim Steps hearing on the 7<sup>th</sup> August, 2009 be lifted but a Condition be imposed on the premises licence that the premises will not re-open until written confirmation has been received by the Licensing Authority from the Police that they are satisfied with the new Designated Premises Supervisor.

**CHAIRMAN**