

LICENSING (2003 ACT) SUB COMMITTEE

26TH APRIL 2007

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE LICENSING MANAGER
– J.M. SULLIVAN**

INDEX OF REPORT ITEMS

Part 1 – Doc.Code: LICAS-260407-REP-FS-JS

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
Licensing Act 2003 Premises Licence Applications		
1. Ref.No.: 005914 Premises Name: Glyn Clydach Hotel Premises Address: Glyn Clydach Hotel, Longford Road, Longford, Neath, Neath Port Talbot,	2-16	Dyffryn
2. Ref.No.: 005922 Premises Name: Pink Geranium Premises Address: Pink Geranium, Village Hotel, 31 Herbert Street, Pontardawe, Swansea	17-31	Pontardawe

Performance of Dance:
Times as above.

Activity like Music/Dance:
Times as above.

Facilities for Making Music:
Times as above.

Facilities for Dancing:
Times as above.

Facility like Music/Dance:
Times as above.

Late Night Refreshment:
Times as above.

1.3. Background Information

Provided by applicant:-

It is a two storey stone building. The licensable activities are on the ground floor and the residents bedrooms are on the first floor. On the ground floor there is a function room with bar, a restaurant with bar and a conservatory fronting the lawned area and the application will also now incorporate a conservatory at the end of the restaurant area. There are lawned areas where patrons may consume alcohol. Wedding ceremonies are permitted in the function room and the dining room/restaurant. Functions will take place in the main function room. The new conservatory which is to be constructed will be used for additional tables and seats for restaurant and on other occasions, they will be cleared away and it will be used for dancing. The premises already has a licence issued by Neath Port Talbot County Borough Council numbered 001704 which enables the supply of alcohol Monday to Sunday at 10.00 – 02.00 and non standard timings: for the supply and consumption of alcohol in the function room and in the dining room/restaurant from 10.00 until 02.00 and on the lawned area from 10am until 11.00pm. Residents are entitled to have alcohol supplied to them and consumed by them on a 24 hour basis. Live music Monday to Sunday between 10.00 and 02.00 and the same applies to recorded music, performance of dance, music/dancing, making music,

facilities for dancing. Late night refreshment Monday to Sunday 23.00 – 02.00. The premises are open from 10am until 02.30 save for the non standard times which apply to residents who can avail themselves of facilities on a 24 hour basis. The present application is to add on a conservatory to the restaurant and this will form part of the restaurant and will be used as part of the restaurant.

1.4. Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime and Disorder

- 1) To ensure that at all times there will be an effective and responsible manager on duty on the premises when it is open for licensable activities.
- 2) To ensure that all staff are trained.
- 3) To ensure that all staff are properly supervised.
- 4) 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.
- 5) To ensure that staffing levels are adequate to maintain a safe environment.
- 6) 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.
- 7) To support the objectives of the schemes which are designed to maintain and improve the licensing objectives.
- 8) To ensure that all members of staff are vigilant to prevent the use or supply of illegal drugs.
- 9) 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 or similar ID card.

- 10) To maintain a similar policy to the above paragraph with regard to the sale of tobacco.
- 11) To ensure that staff prevent glasses and bottles being brought into or out of the premises by patrons.
- 12) To ensure that there is a provision for regular collection of glass and bottles.
- 13) To ensure that where 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.
- 14) To ensure that all staff will report to the relevant authorities (the Police and the Council) anyone dealing with illegal drugs or where illegal drugs are found on the premises.
- 15) 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.
- 16) To provide notices as appropriate in connection with under age drinking etc.
- 17) 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

- 1) To ensure that the premises does not become overcrowded.
- 2) To ensure that means of escape in the event of fire or other emergency are always kept clear.
- 3) To ensure that the staff are informed about safe evacuation procedures.
- 4) To ensure that the disabled or infirm are able to evacuate the premises.

- 5) To provide a sufficient number of people employed or engaged to secure the safety of the premises and its patrons.
- 6) To provide appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and its patrons including the disabled and infirm.
- 7) To ensure that all appliances and systems pertinent to safety are tested on a regular basis.
- 8) The provision of effective CCTV in the car park and reception.
- 9) To provide toughened or plastic drinking vessels if patrons (where appropriate) consume drink outside the premises.

The Prevention of Public Nuisance

- 1) 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.
- 2) 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.
- 3) 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.
- 4) To consider whether any light pollution is caused by lighting appliances at the premises and if so, to minimise light pollution.
- 5) To ensure that any refuse is stored and disposed of appropriately.

- 6) To be mindful of those who live and work in the vicinity when disposing of empty bottles or when deliveries are being made.
- 7) 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.
- 8) To take appropriate steps to avoid any noxious smells.

The Protection of Children from Harm

- 1) To ensure that staff are aware that it is prohibited to sell alcohol to children.
- 2) To ensure that staff are aware it is prohibited to sell tobaccos to children.
- 3) To ensure that any child on the premises is accompanied by a responsible adult.
- 4) 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.
- 5) To request proof of age where there is any doubt as to the age of anyone at the premises.
- 6) To display restrictions on admission of children and sale of alcohol and tobaccos.

1.5. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 1.

Interested Parties Representations

See Appendix 2.

1.6. Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

- 8.1 *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 the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.*
- 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 minimizing 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.

8.7 *When considering the potential for noise or disturbance, the licensing authority advises that where appropriate the following matters should be addressed in the operating schedule:*

- *The need for these will be dependent to the style and characteristics of the premises and events.*
- *Obtaining advice from a suitably qualified acoustic specialist to determine any impact from activities. This applies both to music noise, and vibration.*
- *Steps taken to control the emission of noise from the premises by ensuring that doors and windows are kept closed, e.g. entertainment noise, plant noise and social noise.*
- *Structural alterations carried out to minimise noise leakage from the premises, including sound insulation, acoustic lobbies, provision of air conditioning.*
- *Systems in place to deal with disorder on the premises.*
- *Measures to be taken to ensure that windows and doors are kept closed during periods when amplified music is being played.*
- *Steps taken to ensure that fire doors are kept closed.*
- *The arrangements in place to ensure that patrons leaving the premises do so in a way that does not disturb nearby residents.*
- *The use of CCTV systems to monitor the immediate area outside the premises and car park area.*
- *The measures taken to ensure that patrons arriving and leaving by taxi / minibuses do not disturb residents by arranging with taxi / minibus companies agreed pick up and drop off points and to avoid use of horns etc.*
- *Liaison with public transport providers.*
- *If the applicant has previously held a licence the history of enforcement action arising from these premises.*
- *Steps taken by the applicant to minimise any light pollution affecting the community.*
- *Details of any refuse storage, and disposal of any additional litter generated as a result of the activity.*
- *Steps to avoid late night noise from disposal of empty bottles.*
- *Measures to minimise noise from staff leaving the premises.*
- *Details as to whether the use of a noise limiter has been*

considered to control noise levels.

- *The use of prominent signs displayed requesting patrons to have regard to local residents when leaving the premises.*
- *Steps to be taken to avoid any noxious smells from causing nuisance to local residents.*
- *Details of actions to be taken in the case of an emergency.*

Secretary of State's Guidance

- 7.39 *The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*
- 7.40 *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 for the Act's purposes. 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. It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.*
- 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.*

1.7. Officer's Report

The Glyn Clydach hotel has applied for a new premises licence. This application seeks to:-

- (1) Include a conservatory to the restaurant area which will extend the area used for licensable activities i.e. the sale of alcohol and the provision of regulated entertainment.
 - (2) To allow the supply and consumption of alcohol on the lawned area until 02.00hrs (presently 23.00hrs).
 - (3) The provision of non-amplified music outside until 2.00am.
- If the application is approved, then the existing licence will be surrendered.

The environmental health representations relate to the potential for public nuisance to local residents and seeks to address this issue by

the inclusion of an additional condition that entertainment noise shall be inaudible at any residential property.

The representations made by the interested party relate to the mistaken belief that the applicant wishes to extend the hours of operation from 24.00 hours until 02.00 hours. The premise is currently licensed until 02.00. However the representations refer to noise nuisance emanating from the premises apart from the nuisance of traffic and persons leaving the premises. The interested party will be away at the time of the committee hearing and has asked that her representations be considered in her absence.

1.8. 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 Licensing Manager


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

Wards Affected

Dyffryn

Appendix 1

005914

 **Neath Port Talbot**
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol
Making a difference Gwahaniaeth er gwell

From **Oddi wrth**
Tel **Ffôn**
Date **Dyddiad**
Your Ref **Eich Cyf**
Our Ref **Ein Cyf**


Tony John
01639 686360
21/03/2007
TJ/123587

Memorandum **Memorandwm**
To At
TO: Licensing Section FAO Jim Sullivan

SUBJECT: Licensing Application received for a Premise Licence – The Glynclvdach Hotel

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

1. Due to the quiet location of the application premises and the fact that a conservatory offers less noise attenuation than the main building I recommend that a condition be applies to any licence granted that entertainment noise shall be inaudible at any residential property.


Tony John
Environmental Health Officer

LICENSING SECTION
21 MAR 2007

Environment/ELicMemo

Social Services, Health & Housing
Gwasanaethau Cymdeithasol,
Iechyd a Thai

FM/0015

Dear Sir,

3914

30.3.07

As requested I am writing to you regarding the application made by Mr Shephard for a new license for the Glynchydach Hotel to sell alcohol and play music untill 2 a.m. As one of the residents living opposite the hotel and Coach House we are opposed to this request.

At present we endure loud music often after 12 pm with people shouting, swearing and fighting, and coaches that leave their engines running. In addition to this we have on at least four occasions had to ring the police as drunk drivers crash into the embankment and we are the only help available to report these incidents,

We moved to this green belt area for its quiet location and wildlife not for sleepless nights. We realise weddings and Christmas parties there will be some noise, but we feel 12pm is acceptable whereas 2am is not.

If the license is permitted then it would only be a matter of time before the Glynclwydach Coach House would apply for a 2am license, and with our bedrooms between the two function rooms there would be double the noise after 12pm. As it is now on hot summer nights we are unable to open our bedroom windows.

It is reaching the point where we feel our property could become devalued as a direct result of this.

Regards

VAD

Glyndydaeth Cottage
Longford Road

Dyffryn
Neath

SA 10 TAJ

Tel n° 01792 324096

P.S. Also with the smoking ban coming in a lot more people are going to be outside making a noise.

Facilities for Dancing:
Monday - Sunday 10.00 - 01.00

Facility like Music/Dance:
Monday to Sunday 10.00 - 01.00

Late Night Refreshment:
Monday to Sunday 10.00 - 01.00
Inside & beer garden

Opening Hours - Standard Timings:
Monday to Sunday 10.00 - 01.30

2.3. Background Information

Provided by applicant:-

The current licence at the Pink Geranium authorises the sale of alcohol and regulated entertainment until 24.00. There is a restriction on the use of the beer garden until 22.30 hours. This application seeks to increase the hours for alcohol and the provision of regulated entertainment until 01.00 hours inside the premises to permit the consumption of alcohol in the beer garden until 01.00 and also to provide recorded music in the beer garden until the same time. The extended hours outside are intended to provide facilities for persons who are not permitted to smoke inside the premises.

2.4. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

To continue running the premises with experienced staff who are mindful of all of the licensing policies and objectives which are set out 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 eg 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 schemes which are designed to maintain and improve the licensing objectives.

To ensure that all members of staff are vigilant to prevent the use of 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 provision for regular collection of glasses 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 placed near the exits.

To ensure that all staff will report to the relevant authorities (police and the Council) anyone dealing with illegal drugs or where 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 reserve the right to search patrons on entry to the premises.

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 licenced 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) drink outside the premises and to ensure that notices are displayed at the exits.

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 eg 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.

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.

2.5. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 3, 4 & 5.

Interested Parties Representations

No representations.

2.6. Policy Considerations

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

Statement of Licensing Policy

8.0 Prevention of Public Nuisance

8.1 *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 the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.*

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 minimizing 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.*
- 8.7 *When considering the potential for noise or disturbance, the licensing authority advises that where appropriate the following matters should be addressed in the operating schedule:*
- The need for these will be dependent to the style and characteristics of the premises and events.*
 - Obtaining advice from a suitably qualified acoustic specialist to determine any impact from activities. This applies both to music noise, and vibration.*
 - Steps taken to control the emission of noise from the premises by ensuring that doors and windows are kept closed, e.g. entertainment noise, plant noise and social noise.*
 - Structural alterations carried out to minimise noise leakage from the premises, including sound insulation, acoustic lobbies, provision of air conditioning.*
 - Systems in place to deal with disorder on the premises.*
 - Measures to be taken to ensure that windows and doors are kept closed during periods when amplified music is being played.*
 - Steps taken to ensure that fire doors are kept closed.*
 - The arrangements in place to ensure that patrons leaving the premises do so in a way that does not disturb nearby residents.*
 - The use of CCTV systems to monitor the immediate area outside the premises and car park area.*
 - The measures taken to ensure that patrons arriving and leaving by taxi / minibuses do not disturb residents by arranging*

with taxi / minibus companies agreed pick up and drop off points and to avoid use of horns etc.

- *Liaison with public transport providers.*
- *If the applicant has previously held a licence the history of enforcement action arising from these premises.*
- *Steps taken by the applicant to minimise any light pollution affecting the community.*
- *Details of any refuse storage, and disposal of any additional litter generated as a result of the activity.*
- *Steps to avoid late night noise from disposal of empty bottles.*
- *Measures to minimise noise from staff leaving the premises.*
- *Details as to whether the use of a noise limiter has been considered to control noise levels.*
- *The use of prominent signs displayed requesting patrons to have regard to local residents when leaving the premises.*
- *Steps to be taken to avoid any noxious smells from causing nuisance to local residents.*
- *Details of actions to be taken in the case of an emergency.*

Secretary of State's Guidance

7.39 *The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

7.40 *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 for the Act's purposes. 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. It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.

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.

2.7. Officer's Report

The Pink Geranium has applied has applied for a new premises licence. The application seeks to provide the following licensable activities until 01.00hrs (presently midnight):-

1. Live music.
2. Recorded music.
3. Performance of dance.
4. Activities like music and dance.
5. Facilities for making music.
6. Facilities for music/dance.
7. Late night refreshment.
8. Permit the supply of alcohol, the provision of recorded music, activities like music and dance and the provision of late night refreshment in the beer garden (use of the beer garden presently restricted to 22.30hrs).

If the application is successful, the existing premises licence will be surrendered.

Representations received from the Environmental Health Department refer to possibility of noise nuisance emanating from the premises and the beer garden. The applicant has accepted the condition that entertainment noise inside the premises shall be inaudible at any residential property.

The applicant seeks to provide recorded music in the beer garden possibly delivered by television or radio. Discussions between the applicant and the Environmental Health Department have failed to agree a condition that could prevent noise nuisance

2.8. 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 Licensing Manager

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

Wards Affected

Pontardawe

Appendix 3

 **Neath Port Talbot**
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol
making a difference Gwahaniaeth er gwell

005922

Tony John
01639 686360
21/03/2007
TJ/123593

From **Oddi wrth**
Tel **Ffôn**
Date **Dyddiad**
Your Ref **Eich Cyf**
Our Ref **Ein Cyf**

Memorandum Memorandwm

To At

TO: Licensing Section FAO Jim Sullivan

**SUBJECT: Licensing Application received for a Premise Licence – The Pink Geranium,
Pontardawe.**

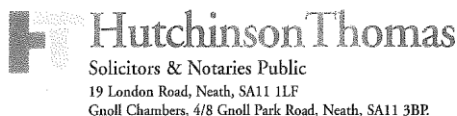
I have the following comments no comments to make relating to the application listed –

1. The application seeks to have live and recorded music inside of the premises. I recommend that any licence be conditioned that entertainment noise shall be inaudible at any residential property.
2. It is noted that non amplified recorded music is requested to the beer garden. Clarification is needed as to what is meant by this. Even a piece of equipment such as a radio will give amplified music by the very fact that the volume can be adjusted? y



Tony John
Environmental Health Officer

Appendix 4



Our Ref: 15/KG/Tho.S/64906

Mr J M Sullivan
Principal Officer – Lisencing Civic Centre
Neath

Fax – 01639 686354

29 March, 2007

Dear Sirs

Your Ref:

When replying please contact Robert Williams at
Gnoll Chambers. Direct Dial Tel: 01639 640152
Direct Dial Fax: 01639 640169
Reception Tel: 01639 645061

FAXED

Re: The application for premises licence – The Pink Geranium

We are in receipt of your letter 22nd March 2007 together with the comments of Mr Tony John the Environmental Health officer.

Would you please clarify what is meant by 'comments, no comments'.

With regard to the numbered paragraphs we respond as follows:-

- 1) Our client would agree to the recommendation that any licence be conditioned that entertainment noise inside the premises shall be inaudible at any residential property.
- 2) The comment concerning non-amplified recorded music in the beer garden is not understood. This appears to be a departure from what in our opinion had been granted previously. One normally distinguishes between amplified and non-amplified sound. The English Oxford dictionary definition of amplified is where there is an 'instrument' for making sound louder. Consequently we would not regard equipment which does not have such an instrument as providing any amplified sound. Making sound louder is not the same as having an 'instrument' which makes the sound louder. In the circumstances therefore would you not agree that provided the sound comes from non-amplified equipment that is would deal with the comment.

Furthermore, the location of our clients premises should be taken into account. It would be inappropriate for there to be a blanket policy and to impose the same restrictions on premises which are in similar locations to our client as opposed to licensed premises which are close to and overlooked by residences.

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An early reply to this letter would be appreciate

Yours faithfully
p.p. Hutchinson Thomas

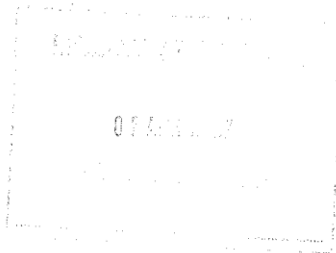
Appendix 5

Val copy as promised

30/03/2007
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Tony John
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Hutchinson Thomas
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Neath
Neath Port Talbot
SA11 3BP



Dear Sirs,

Re: Application for Premise Licence – The Pink Geranium, Pontardawe.

I refer to your letter dated 29th March relating to the above.

I apologise for the confusion relating to the first line of my memo in that the words “no comments” should have been deleted and this was a typographical error.

With regards to the numbered paragraphs I have the following observations –

1. Your client’s acceptance of this proposed condition is noted.
2. From discussions with your client I am informed that what he proposes for the garden area is a number of television monitors for his patrons to watch sporting events. Sound will be provided by a small speaker system which in my view is amplified sound since televisions have amplifiers built into them to give the sound. I am generally not adverse to this proposal provided that the condition in 1 above also covers the entertainment being provided outside of the main building. This I believe is necessary since the application requires this entertainment until 01:00 daily.

I trust that this information will be of assistance.

Yours faithfully,


Tony John
Environmental Health Officer

Community/TempCom