

LICENSING (2003 ACT) SUB COMMITTEE

26th May 2006

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-260506-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 003844 Premises Name: The Drop Off Cafe Premises Address: Glyncoirwg Pond, Ynyscoirwg Park, Glyncoirwg, Port Talbot	2 – 8 Appendix 1 & 2	Glyncoirwg
Ref.No.: 002622 Premises Name: Katz Premises Address: Rear of, Queen Street Back Road, Neath, SA11 1EE	9 – 16 Appendix 3 & 4	Neath North
2. Licensing Act 2003 Club Premises Certificate		
Ref.No.: 004840 Premises Name: Port Talbot Bowling Club Premises Address: Ynys Street, Port Talbot, SA13 2SP	17 – 19 Appendix 5, 6 & 7	Port Talbot

Performance of Dance:
Monday to Friday 18.00 - 00.00
Saturday & Sunday 12.00 - 00.00

Facilities for Making Music:
Monday to Sunday 07.00 - 01.00

Facilities for Dancing:
Monday to Thursday 18.00 - 01.00
Friday to Sunday 07.00 - 01.00

Late Night Refreshment:
Monday to Sunday 23.00 - 01.00

1.3 Amended Application

As a result of additional information being provided and also representations made by the Environmental Health Officer the applicant has amended his application as follows:-

Recorded Music:-
Outdoors until 11.00pm only - conversational volume (background)

Performance of Dance:-
Indoors only.

Late night refreshment:-
Indoors only.

Supply of alcohol:-
Both on and off the premises
Non standard timings:-
New Years Eve 07.00 - 02.30

Hours Premises open to the public:-
Non standard timings:-
New Years Eve 07.00 - 03.00

1.4 Background Information (provided by applicant)

Contemporary wood clad building on two floors.

Ground floor comprises shower/toilet facilities, bike shop, reception area.

First floor comprises two offices. Cafe on lower and upper level with full aspect windows with doors to decking area.

1.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

The intentions to promote this licensing objective are:

The use of plastic glasses.

Age verification policy.

Training of staff and supervision.

CCTV - in place to date.

Door supervisors for larger events.

Public Safety:

CCTV - in place to date.

Plastic glasses and drinking vessels.

Risk assessments.

Staff training.

Responsible management.

The Prevention of Public Nuisance:

CCTV - in place to date.

Doors and windows to be kept closed during music amplification after 11.00pm.

Provisions to be in place to ensure patrons leave quietly not to disturb local residents.

Promotion of taxi/public hire companies.

Implementation of practices to deal with disorder.

The Protection of Children from Harm:

Proof of identification

As the centre is a family building I will allow children accompanied by adults/elders in the daytime.

1.6 Relevant Representations:

Responsible Authorities Representations

Environmental Health

Representations reproduced at Appendix 1

Withdrawal of representations based on amendments to original Application – reproduced at Appendix 2.

Interested Parties Representations

Two letters received - not considered to be relevant representations, interested parties advised.

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*

- 8.1 *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.*
- 8.3 *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 States 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.*

7.41 *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

Representations were made by the Environment Health Officer in respect of noise nuisance. The representations were withdrawn following amendments made to the application by the applicant.

1.9 Recommendation

That members approve the amended application.

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

Glyncorrwg

Non-standard Timings:

Good Friday	12.00 - 22.50
Christmas Day	12.00 - 15.20
	19.00 - 22.50

2.3 Variation Application

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

Supply of Alcohol:

Monday to Sunday	12.00 - 02.00
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Opening Hours

Monday to Sunday	12.00 - 02.30
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Recorded Music:

Monday to Sunday	12.00 - 02.00
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Facilities for Dancing:

Monday to Sunday -	Times as above
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2.4 Background Information

Ground floor and first floor members bar.

Only the ground floor bar is open which has one main entrance accompanied with a fire exit on both ground and 1st floor.

Ground floor contains a cloakroom attendant allowing the members in and also preventing any drinks from leaving the club.

2.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The club has been closed for several months due to some refurbishment work inside the building. Extra CCTV equipment has been installed to prevent and crime and disorder with recorded tapes available on request there is also a new sound proofing to be fitted and installed alone with more refurbishment to prevent any noise leaving the building. New door staff have been interviewed of whom are experienced at a top

level. They will prevent any public nuisance, will guarantee public safety and prevention of crime and disorder at all times.

The Prevention of Crime & Disorder:

There have been recorded cameras fitted to all areas of both floor levels. There are also cameras at both exits, inside and out.

Public Safety:

For the safety to the public our intention is to put on extra door staff to insure extra safety for the public

The Prevention of Public Nuisance:

Our door staff and bar staff are to be told of each shift to walk around both floors (if both floors are open), to check all toilets to prevent any public nuisance. A new sound proofing is also to be fitted during the refurbishment preventing any noise leaving the building.

The Protection of Children from Harm:

Meetings are to be held before every shift to make sure that our door staff check all identification if anyone appears to be under the age of 18. This also applies to the bar staff. Anyone who appears to be under the age of 18 and without photo I.D. will not be allowed in the premises at anytime at all.

2.5 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 3.

Environmental Health

See Appendix 4

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

6.0 Crime and Disorder

6.6 *In addition to the requirements that the Council promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The council is required therefore to have particular regard to the likely impact of licensing on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule.*

6.9 *The Council considers that certain types of premises are likely to require additional measures or conditions due to the nature, type and mode of operation. These would include premises, which sell alcohol and cater mainly for the 16-25 age group and provide regulated entertainment, or premises which provide events or entertainment mainly for children.*

In order to ensure the safety of patrons and other persons in the vicinity of the premises, the council suggests that operating schedules give consideration to the following measures and may require any or all of these measures to be implemented in the interests of minimising crime and disorder.

(i) *Door Supervisors*

The need for door supervisors is normally a matter, which is considered and determined by the applicant within the operating schedule. However, where an applicant has made no provision for providing door supervisors, but it is considered that they are essential to meet the crime and disorder or public safety objective the council may specify that the premises must provide registered door supervisors. The council may also require a duty log / register of door supervisors be kept for the premises. Where door supervisors are provided they must be licensed by the Security Industry Authority. Generally one door supervisor per 100 persons would be required to be present on the premises.

However, additional supervisors may be necessary in certain situation, e.g. where there is a significant number of very young persons, or where there is a potential for boisterous or excitable behaviour, e.g. stag nights; football matches; celebrity visits. Applicants are advised to give consideration to these matters within the operating schedule as well as the days and hours of operation of the door supervisors.

(ii) CCTV

The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The council may specify that a suitable system approved by the police and council, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV tapes should be kept for twenty-eight days and made available to the police and local authority officers at any time.

(iii) Glasses/Bottles

Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.

7.0 Public Safety

7.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.

7.2 Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.

7.5 Certain types of premises, due to the nature of activities being

provided, may give rise to a significant risk if occupancy numbers are not set. The council following representations will consider setting occupancy limits particularly in respect of the following types of premises:

- (i) night clubs/public houses providing regulated entertainment*
- (ii) theatres*
- (iii) cinemas*
- (iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.*

7.6 The council following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to minimise crime and disorder.

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 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 States Guidance

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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 police representations relate to mainly Crime and Disorder issues, but also refer to Public Nuisance and Public Safety, and proposes various requirements/conditions.

The Environmental Health Officer expresses concern regarding the potential for noise nuisance and indicates that previous problems have been encountered with the premises.

A further report is sought to assess the acoustic properties of the premises.

It is submitted that should members be minded to approve the application, then extensive conditions will be necessary to deal with the representations raised. Members will also need to be satisfied that any conditions are effective and enforceable.

2.8 Recommendation

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

List Of Background Papers

Application for variation of Premises Licence.

Officer Contact

J Sullivan Principal Officer Licensing
Tel (01639) 686326 email j.sullivan@npt.gov.uk

Wards Affected

Neath North

3.1 Application for Club Premises Certificate

Ref.No.: 004840 Wards Port Talbot
Affected:
Premises Name: Port Talbot Bowling Club
Premises Address: Ynys Street, Port Talbot, SA13 2SP
Applicant Name: Mr Bryn Jones
Applicant Address: 30 Crown Street, Port Talbot, Neath Port Talbot, SA13 1BG
Application Date: 06/04/2006

3.2 Certificate Application

The applicant seeks to provide licensable activities as follows:

Supply of Alcohol:
Monday to Sunday 10.00 - 23.00

Opening Hours:
Monday to Sunday 09.00 - 23.15

3.3 Background Information

The club is used mostly during match days and there are currently 60 members. The club is available to members and guests from opposing teams. The main use will be during the bowls season i.e. March to September.

The club is a single storey building comprising a kitchen, toilet and dining room. The Bowls Club is affiliated to the Welsh Bowling Association and the Welsh Private Greens Bowling Association.

3.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime & Disorder:

Members & guests. Management to supervise behaviour and apply sanction when needed.

Public Safety:

Polycarbonate glasses. Fire extinguishers.

The Prevention of Public Nuisance:

No music of any kind. Members are all mature, responsible people.

The Protection of Children from Harm:

No persons under 18 are allowed to purchase alcohol.

3.5 Relevant Representations:

Responsible Authorities Representations

No representations

Interested Parties Representations

See Appendices 5, 6, & 7

3.6 Policy Considerations

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

Statement of Licensing Policy

7.0 Public Safety

7.2 *Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.*

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 minimising noise nuisance.*

3.7 Officer's Report

Representations are made by residents of the area, and express concerns about noise and public safety.

Other matters are also raised referring to parking, the condition and visual appearance of the building, and the potential for increased litter.

It is submitted that these matters are not relevant to the application for a club premises certificate.

3.8 Recommendation

That 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

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

Wards Affected

Port Talbot