

LICENSING (2003 ACT) SUB COMMITTEE

26th September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

**REPORT OF THE HEAD OF LEGAL SERVICES
– C.A. JOHN**

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1.3. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The store is a franchise of the worldwide Domino's home delivery pizza chain. Domino's has been in business for more than 40 years and during that time, has developed a system of business which primarily involves a home delivery service. Whilst it is possible to collect our products from the store, the vast majority of our business is delivering pizzas and other products we sell to peoples homes. We are governed by the rigorous standards set out in the Domino's Franchise Agreement and these relate to all aspects of operating the business, from the preparation of ingredients, right through to the manner in which the product is delivered to our customers. We are mindful of our obligations to our staff, our customers, and others (e.g. local residents) who may be affected by the operation of our business. Our store is adequately staffed so as to allow the proper management of the premises and supervision of those who visit them. The Domino's system does not allow the sale of alcohol. Where customers visit the store, our pizzas are supplied to them in closed cardboard boxes and the nature and size of the product is conducive to being taken home for consumption, rather than being eaten whilst walking along.

The Prevention of Crime & Disorder:

We will actively co-operate with the local police to ensure that we are made aware of particular problems which affect the area and which may potentially affect our store.

We will not countenance the use or supply of illegal drugs and our staff will inform the police immediately of any such suspected activity on or in the vicinity of the store.

Our employment policies are designed to ensure we recruit professional and reputable staff.

We do not use or supply glassware.

Public Safety:

The premises comply with all requisite health and safety legislation.

We carry out regular health and safety risk assessments and are required to do so under the terms of our Franchise Agreement.

In the most unlikely event that a greater number of people congregate in the premises than is conducive to public safety, we will not hesitate to ask people to leave the store and we will always encourage them to take advantage of our home delivery service, which is the primary way in which we serve our customers.

The Prevention of Public Nuisance:

Our doors and windows will be kept closed at night to prevent transmission of noise.

Our stores have very few customers who visit to buy our product to take away, but those who do visit will be asked to leave the premises quietly and with due consideration for our neighbours.

Music will not be played in the premises.

Our delivery drivers are instructed to enter and leave their vehicles quietly and considerately, not to leave engines running, to park considerately, and at all times to have in mind our neighbours (particularly residential occupiers).

We would have no hesitation in banning people who visit the store and regularly leave the premises in a noisy fashion.

Our equipment is properly sound insulated and operated strictly in accordance with manufacturers requirements, guidelines and tolerances.

All our air extraction system complies with Building Regulations requirements and is designed to ensure that there is not escape of cooking smells to neighbouring premises.

The Protection of Children from Harm:

Our store is not licensed for the sale of alcohol.

Because of the nature of the licence for which we are applying and the nature of our business generally, it is most unlikely that a child

unaccompanied by an adult would visit our store during the hours for which we are licensed.

1.4. Relevant Representations:

Responsible Authorities Representations

Planning

See Appendix 1.

1.5. Interested Parties Representations

No representations.

1.6. Policy Considerations

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

8.0 *Prevention of Public Nuisance*

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.*

11.0 *Integration*

11.5 *The Council acknowledges that there must be proper separation of*

the planning, building control and licensing functions and that licensing applications will not be a re-run of the planning application.

Secretary of State's Guidance

Prevention of 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.*

1.7. Officer's Report

The planning officers representations relates to the fact that the application constitutes a breach of planning consent, which restricts the hours with a view to protect the amenities of residents of the area.

The issue for members is whether the hours sought will have a negative effect on the prevention of public nuisance and/or the crime and disorder objective.

The planning aspect is one which can be dealt with under planning legislation either by submission of an application or by enforcement.

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

Wards Affected

Briton Ferry East

2.0. Licence Application for Premises Licence

Ref.No.: 002458 Wards Taibach
Affected:
Premises Name: Jade Garden
Premises Address: 64 Commercial Road, Taibach, Port Talbot, SA13 1LG
Applicant Name: Mrs Eugenia Phillips
Applicant Address: 2 Heol Carne, Whitchurch, Cardiff, CF14 1HD
Application Date: 03/08/2005

6.1. Variation Application

The applicant seeks a licence for the following licensable activities:-

Opening Hours - Standard Timings:

Monday & Tuesday	17.00 - 00.00
Thursday	17.00 - 00.00
Friday & Saturday	17.00 - 00.30
Sunday	17.00 - 00.00

Late Night Refreshment:

Monday & Tuesday	23.00 - 00.00
Thursday	23.00 - 00.00
Friday & Saturday	23.00 - 00.30
Sunday	23.00 - 00/00

2.2. Background Information

The premise is called Jade Garden and its sole business activity is to serve Chinese Hot food to take away. It is situated at No. 64 Commercial Road, Port Talbot and is a mid-terraced commercial property of two storeys high. Only the ground floor area is used for business activity.

The front part of the premise is used as a waiting area for the customers and the counter area is on the right. The middle section is the kitchen where the adjacent room is used as store room/preparation area. The final section is another store room with a fire exit as the rear to the back yard.

2.3. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

All necessary steps will be taken to achieve all four licensing objectives:

- regular consultation with local community officer in respect of issues relating to crime and disorder and public nuisance.
- follow Food Hygiene/Health and Safety regulations regarding public and staff safety as laid down by the Local Council and Health and Safety Executive.
- Obtain up to date information from Children's Services of Social Services for guidelines to protect children from harm.

The Prevention of Crime & Disorder:

- Installation of CCTV/staff sleeping upstairs overnight.
- Clear sign for opening hours; no drinking and eating in the shop.
- All money is kept behind counter in a lockable and fixed cash register during opening hours.
- Only 50 float will be left in the shop overnight.
- Co-operate with local police and close relationship with local community and shops nearby.

Public Safety:

- All plant and equipment are properly maintained.
- Observe all relevant Food Hygiene and Health and Safety Regulations.
- Fire extinguishers/blanket.
- First Aid box.
- Clear sign for emergency exit and free from obstruction.
- Emergency lighting.
- Keep the floor dry, otherwise use wet floor warning sign.

The Prevention of Public Nuisance:

- No music installation.
- No excessive external lighting.
- Request group that may congregate to disperse.
- Keep the premise and its surrounding area clean.
- Liaise with local community police officer.

The Protection of Children from Harm:

- No smoking inside the premise.
- No alcohol or alcoholic beverages is available.
- Parental supervision.
- Provision of seating.
- No wet floor.
- Counter is high enough to prevent children climbing.
- Choose appropriate TV or video programme for the public including children.

2.4. Relevant Representations:

Responsible Authorities Representations

Planning

See Appendix 2.

2.5. Interested Parties Representations

No representations.

2.6. Policy Considerations

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

11.0 *Integration*

11.5 The Council acknowledges that there must be proper separation of the planning, building control and licensing functions and that licensing applications will not be a re-run of the planning application.

8.0 *Prevention of Public Nuisance*

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

Prevention of 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.*

Planning & Building Control

3.51 *A statement should also indicate:*

that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Similarly, the granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control⁴ where appropriate. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.

2.7. Officer's Report

The representations of the planning officer relate to the fact that the hours sought are beyond those currently allowed by the planning consent.

The issue for members is whether the reasons for restrictions under the planning consent are consistent with the licensing objectives. It is possible that they may relate to the prevention of public nuisance, but this will need to be established before any decision is made.

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

Wards Affected

Taibach

Opening Hours - Standard Timings:

Monday - Thursday 11.00 - 23.30

Friday & Saturday 11.00 - 00.30

Sunday 12.00 - 23.30

Non-standard Timings:

As above.

Live Music:

Friday & Saturday 19.30 - 23.30

Non-standard Timings:

Christmas Eve 19.30 - 00.30

Boxing Day 19.30 - 00.30

Recorded Music:

Monday - Saturday 11.00 - 23.30

Sunday 12.00 - 23.00

Non-standard Timings:

Christmas Eve 11.00 - 00.30

Boxing Day 11.00 - 00.30

Activity like Music/Dance:

Saturday 19.30 - 23.30

3.4. Background Information

Town centre public house selling alcoholic beverages during permitted hours and providing food at lunch times.

There is a resident D.J. on Saturday evenings, Christmas Eve, Boxing Day and New Year's Eve.

3.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Staff training and general awareness regarding underage drinking and the refusal of services to drunken individuals.

The Prevention of Crime & Disorder:

The Neath ring around system.

Making the public aware of the Neath pubwatch scheme via posters, drip mats etc.

Pubwatch pagers are now in place.

Public Safety:

Ensuring fire exits are clearly marked.

Fire extinguishers are tested annually by Morgan Fire Protection.

The Prevention of Public Nuisance:

Regular monitoring of noise levels while the D.J. is playing amplified, recorded music.

The Protection of Children from Harm:

Children are only permitted on the premises between the hours of 12.00 and 14.30 if accompanied by an adult for the purchase of a meal.

Verification of age will be requested from suspected underage drinkers.

3.6. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 3.

Interested Parties Representations

No representations.

3.7. Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

8.3 *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

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.*

3.8. Officer's Report

Members are requested to take account of the representations of the Environmental Health Officer in respect of the prevention of public nuisance, along with any further representations made by the applicant.

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

Wards Affected

Neath East

4.3. Variation Application

Supply of Alcohol:

Monday - Sunday 08:00 04:00

Non-standard Timings:

As above.

Opening Hours - Standard Timings:

Monday - Sunday 08:00 04:30

Non-standard Timings:

As above.

Live Music:

Monday - Saturday 11:00 04:00

Sunday 12:00 04:00

Non-standard Timings:

Any 24 hour period at premises supervisors discretion.

Recorded Music:

Monday - Sunday 08:00 04:00

Non-standard Timings:

As above.

Performance of Dance:

Monday - Saturday 11:00 04:00

Sunday 12:00 04:00

Non-standard Timings:

As above.

Activity like Music/Dance - times as above

Karaoke

Facilities for Dance - times as above

Facility like Music/Dance - times as above

Late Night Refreshment:

Monday - Sunday 23:00 04:00

Non-standard Timings:

As above.

Restrictions requested to be lifted:

Extension of opening hours allowing sale of alcohol, service of meals and public entertainment.

4.4. Background Information

Public bar and restaurant. The public bar is one room which offers pool, music, TV, meals and drinks for up to 90 people. The restaurant is self contained and doubles up as a function room for up to 110 people.

The premises was purpose built in 1975 as part of the Aberafan Shopping Centre Complex to which it is attached. The main doors open onto a large paved area giving access to the bus station, taxi rank and shopping areas.

4.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

All steps listed below are already complied with.

The premises have continuous staff training, supervision and prompt management action.

The Prevention of Crime & Disorder:

Staff are trained to be vigilant with regard to cash registers gaming machines stock and building security.

CCTV is used to monitor entrance and exit from the building.

Plastic drinking vessels used when appropriate.

Staff to be aware of levels of alcohol consumed by customers.

Recognising individuals who are drunk and when refuse service customers are not to sell any item within the premises.

Door supervisors as required.

Drug awareness and abuse of drugs.

Public Safety:

Adhere to the recommended capacity for the building.

Ensure fire regulations are complied with.

Door Supervisors when required.

Staff trained to ensure awareness of matters effecting customer safety.

Use of CCTV to monitor customers activity.

Use of plastic or toughened drinking vessels.
Continuous maintenance of premises.

The Prevention of Public Nuisance:

There is no private or public accommodation within ear shot of premises, however music volume is kept to a sensible level the bus station and taxi rank is 30 meters from the premises.

Litter is disposed of daily by wheelie bins at the rear of the premises.

Staff are trained to be aware of situations which may develop into disorderly behaviour and report accordingly.

The Protection of Children from Harm:

Proof of age is essential if doubt exists about age.

No person under 18 is allowed in the public bar.

Children under 18 must be accompanied by a parent or carer in the restaurant / function room.

Gaming and cigarette machines to be positioned with an unobstructed view to ensure children do not loiter near these facilities.

4.5. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 4.

Environmental Health

See Appendix 5.

4.6. Interested Parties Representation

No representations.

4.7. Policy Considerations

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

Statement of Licensing Policy

6.0 *Public Order*

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

7.5 *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

- 8.3 *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

Public Safety

- 7.34 *“Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.*

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.*
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- 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.*

4.8. Officer's Report

The police make representations relating to crime and disorder, public safety and prevention of public nuisance.

Various proposals are put forward with a view to deal with some of the issues.

The environmental health officer also expresses concern with regard to the prevention of public nuisance, and makes recommendations to minimise this.

Consideration of these matters along with any other appropriate measures should be given after hearing all personal representations.

4.9. 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 Principal Officer Licensing

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

Wards Affected

Aberafan

5.4. Background Information

The pub is situated on two levels - The ground level consists of a lounge/bar, restaurant, serving area and kitchen.

The basement level consists of toilets and sitting/pool room.

The pub is situated on Commercial Street which is a main road in Ystalyfera.

Licensable activities will take place through the premises.

5.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The premises supervisor will be responsible for the management of the premises to ensure that the pub meets the four licensing objectives.

The premises supervisor will ensure that the all staff are aware of the pub requirement and will, if necessary amend its rules to ensure that there is compliance with the objectives.

The Prevention of Crime & Disorder:

The premises supervisor of the pub is David Joseph Griffiths. In his absence the designated supervisor will be David Ronert Griffiths. The premises supervisor is experienced in the licence trade. The premises supervisor will be responsible for the management of the premises to ensure that it liases with the local police and Local Authority Licensing Officers. The premises supervisor will cooperate with the police and Local Authority Licensing Officers to minimise crime and disorder problems. The premises supervisor will receive in house training following liaison with the police and Local Authority Licensing Officer and will attend courses where appropriate. CCTV cameras are to be ordered and fixed internally and externally to the pub premises within the next twelve months. The premises supervisor will ensure that additional staff work with the premises supervisor to maintain a safe enforcement and will enforce the pub rules in respect of their guest who become intoxicated or disorderly. The pub to join in pub watch scheme, which operates in nearby Pontardawe. the premises supervisor will also liase and meet with its suppliers and will take guidance form it in these matters.

Public Safety:

The premises supervisor will liaise with the Fire Authority and will ensure that the capacity is not exceeded.

Premises provide an adequate means of escape in the event of the fire or other emergency including provision for the evacuation of disabled or infirmed persons.

The pub premises offers its customers a supply of alcohol and the provision of music namely live music and recorded music and television.

The pub will operate 24 hours. The premises supervisor will undertake suitable and sufficient risk assessments periodically, ensure that there are a sufficient number of people employed or engaged in security and safety of the premises and its customers.

The premises supervisor will ensure that all doors and fastenings will at all times be kept proper working order and that gangways and exit routes will be maintained in good order.

The Prevention of Public Nuisance:

The Pub is to be fitted with double glazing in the next twelve months. The premises supervisor will ensure that the volume of amplified sounds used in connection with entertainment provided will at all times be kept under control and that doors and windows will be kept shut during entertainment, to reduce noise break out. The premises supervisor will ensure that prominent clear and legible notices will be displayed at all exits requesting public to respect the needs of local residents and to leave the premises and the area quietly.

The Protection of Children from Harm:

Children will be prohibited from attending at the premises.

5.6. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 6

Environmental Health

See Appendix 7

Interested Parties Representations

See Appendix 8

5.7. Policy Considerations

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

Statement of Licensing Policy

6.0 ***Crime & 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

7.5 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 Crime & Disorder

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

Public Safety

- 7.34 *“Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.*

Prevention of 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.*

5.8. Officer's Report

The police raise matters relating to crime and disorder, public safety and prevention of public nuisance based on the hours sought for the supply of alcohol, and the provision of regulated entertainment.

The environmental health officer makes representations in respect of the prevention of public nuisance. Requirements are proposed to deal with these issues and these must be considered along with submissions from the applicant.

5.9. 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 Principal Officer Licensing

Tel (01639 686326 email J.sullivan@npt.go.uk

Wards Affected

Ystalyfera

6.1. Licence Application for Transitional Premises Licence with Variation

Ref.No.: 002414 Wards Neath North
Affected:
Premises Name: Neath Rugby Football Club
Premises Gnoll Park Road, Neath, SA11 3BU
Address:
Applicant Name: Mr Geraint Frederick Hawkes
Applicant Clubhouse, Gnoll Park Road, Neath, SA11 3BU
Address:
DPS Name: Mr Geraint Frederick Hawkes
DPS Address: 20 Squire Court, Swansea Marina, Swansea
Application Date: 03/08/2005

6.2. Conversion Application

The premises have traded as a Rugby Club for many years and are entitled to a premises licence for the sale of alcohol with the previous permitted hours becoming conditions of the new licence.

The relevant licensable activities are presently :-

The sale of alcohol Monday to Saturday 10.00 - 23.00
Sunday Noon - 22.30
(on and off premises)

The above are subject to the provisions and restrictions of the Licensing Act 1964.

6.3. Variation Application

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

Supply of Alcohol:

Monday 10.00 - 10.00
Tuesday 10.00 - 10.00
Wednesday 10.00 - 10.00
Thursday 10.00 - 10.00
Friday 10.00 - 10.00
Saturday 10.00 - 10.00
Sunday 10.00 - 10.00

Non-standard Timings:

A 24 hour licence is requested in respect of each of the bars in the clubhouse. Alcohol will not however be consumed on the ground after 23.00 hours.

Opening Hours - Standard Timings:

Monday	10.00 - 10.00
Tuesday	10.00 - 10.00
Wednesday	10.00 - 10.00
Thursday	10.00 - 10.00
Friday	10.00 - 10.00
Saturday	10.00 - 10.00
Sunday	10.00 - 10.00

Non-standard Timings:

The applicant is seeking the facility to have the premises open on a 24 hour as is and when required.

Films:

Monday - Sunday	10.00 - 02.00
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Indoor Sports - times as above

Live Music - times as above

Recorded Music - times as above

Performance of Dance - times as above

Activity like Music/Dance - times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

Facility like Music/Dance - times as above

Late Night Refreshment:

Monday	10.00 - 02.00
Tuesday	10.00 - 02.00
Wednesday	10.00 - 02.00
Thursday	10.00 - 02.00
Friday	10.00 - 02.00
Saturday	10.00 - 02.00

Sunday 10.00 - 02.00

Restrictions requested to be lifted:

The application for the variation is to enable alcohol to be sold from the clubhouse on a 24 hour basis.

The application will enable members of the public to consume alcohol on all parts of the ground.

6.4. Background Information

The clubhouse comprises a two storey brick and clad built building. It is run as the clubhouse for the Neath RFC, it is also open to members of the public. There is a full justices licence which enables liquor of all descriptions to be sold for consumption both on and off the premises without any restrictions. It operates within the permissible hours of the Licensing Act 1964. In addition to being used by members of the public, it is also let out for private functions. There are four members of the public. On the first floor there is a bar which on match days is used for hospitality and there is an additional lounge which is used by players and for hospitality. When matches are not being played at the ground the premises is used either by the public or for private functions. On the ground itself there are currently two prefabricated buildings from which alcohol is served on match days. It is understood that under the new legislation, alcohol may be consumed on the ground but not sold on the ground.

The ground capacity is up to 8,000.

6.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The premises will be run in accordance with all the licensing objectives and the details of which are set out in the schedule below.

The Prevention of Crime & Disorder:

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.

To ensure that all staff are trained

To ensure that all staff are properly supervised

To organize 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 the objectives of the 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 regards 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 glass bad 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 displayed at the exits.

To ensure that all staff will report to the relevant authorities

(police and the council) anyone dealing with 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 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 in so far as licensed premises is concerned but also to consider those who live or work within the vicinity of the premises or passing by.

That all alcohol or other drinks consumed on the rugby ground adjacent to the clubhouse either in cans or in the appropriate safety glasses eg plastic.

To ensure that the stewards on the ground are mindful of the effect that any disorderly behaviour may have on other patrons and to take appropriate action to prevent anti social behaviour.

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 recorded of the tests are kept and will be available to all relevant authorities.

To provide toughened or plastic drinking vessels if patrons (where appropriate) consume drink outside the premises.

That all alcohol or other drinks consumed on the rugby ground adjacent to the clubhouse either in cans in the appropriate safety glasses eg plastic

To ensure that there is adequate lighting on the ground for the safety of all patrons on the rugby ground both before, during and for 30 minutes after the end of any event on the ground.

To ensure that the stewards in the ground are properly trained on the safe evacuation procedures from the stands.

To ensure that appropriately trained first aid staff are present for any large event on the ground eg over 5,000 in attendance.

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. In addition to liaise with the local authority and other relevant authorities to reduce noise nuisance at night time and during the early hours of the morning.

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 by 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 clubhouse premises and if so, to minimise light pollution. With regard to the club lights on the ground, to ensure

that they are dimmed 30 min after the end of the licensable activities, but that there is sufficient lighting either the ground for the safety of patrons leaving the premises and lighting.

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. 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.

To take appropriate steps to avoid any noxious smells.

That all alcohol or other drinks consumed on the rugby ground adjacent to the clubhouse either in cans or in the appropriate safety glasses eg plastic.

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 clubhouse premises is accompanied by a responsible adult.

Where films or television are available, to ensure if children are in the premises that films are in accordance with 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 clubhouse premises.

To display restrictions on the sale of alcohol and tobaccos in the clubhouse and at the designated locations on the ground.

To ensure that staff and in particular stewards on the ground are mindful of the fact that there may be a large number of children and young persons attending functions at the ground and that their safety

is paramount and that other patrons should behave appropriately in their presence when it comes to their general conduct, language and demeanour.

6.5. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 8

Environmental Health

See Appendix 9

6.6. Interested Parties Representations

See Appendix 10

6.7. Policy Considerations

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

Statement of Licensing Policy

6.0 *Crime & 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.*

8.0 *Prevention of Public Nuisance*

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.*
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Secretary of State's Guidance

Prevention of Public Nuisance

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- 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.*

6.8. Officer's Report

The police representations relate to public safety and prevention of public nuisance. The environmental health officer and residents also raise issues relating to public nuisance. the basis of the concern is that as the area is residential then the hours sought are totally inappropriate.

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

Wards Affected

Neath North