

LICENSING (2003 ACT) SUB COMMITTEE

27th September 2005

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-270905-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1 Licensing Act 2003 Premises Licence Applications		
Ref.No.: 002129 Premises Name: Lamb And Flag Premises Address: Main Road, Bryncoch, Neath, SA10 7TW	3-7 Appendix 1 & 2	Bryncoch North
Ref.No.: 002482 Premises Name: The Smiths Arms Premises Address: Smiths Arms, 118 Neath Road, Rhos, Pontardawe, SA8 3HB	8-14 Appendix 3	Rhos
Ref.No.: 002486 Premises Name: Tennessee Fried Chicken Premises Address: 2 The Parade, Neath, West Glamorgan, SA11 1PU	15-18 Appendix 4	Neath North
2. Licensing Act 2003 Club Licence Applications		
Ref.No.: 002474 Premises Name: Skewen RFC Premises Address: Tennant Park, Skewen, Neath, West Glamorgan	19-25 Appendix 5	Coedffranc Central
Ref.No.: 002448 Premises Name: Taibach RFC Premises Address: 23 Commercial Road, Taibach, Port Talbot	26-32 Appendix 6 & 7	Taibach

Ref.No.: 002630 Premises Name: Brynamman RFC Premises Address: 1 Amman Road, Lower Brynamman, Ammanford, Dyfed, SA18 1SN	33-40 Appendix 8 & 9	Lower Brynamman
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An additional hour every Christmas Eve and Boxing Day.

On up to 10 other events per annum until midnight at the discretion of the Designated Premises Supervisor.

Opening Hours - Standard Timings:

Monday - Thursday 10.00 - 23.30

Friday & Saturday 10.00 - 00.30

Sunday 10.00 - 22.30

Non-standard Timings:

Times as above.

Restrictions requested to be lifted:

All restrictions and conditions set out in the attached On Licence, are to be removed, except those specified elsewhere in Part B of this application.

To remove all restrictions placed on the Licence by virtue of Schedule 8, paragraph 6(8) Licensing Act 2003 and all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Acts.

1.4. Background Information

Public house serving the local community.

Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

No new steps have been identified by risk assessment in relation to the four licensing objectives, save as below. We have considered the terms of your licensing policy in preparing this Application.

The Prevention of Crime & Disorder:

No less than five working days written notice will be provided to Police when "event days" are organised. (See Section M).

Public Safety:

None

The Prevention of Public Nuisance:

None

The Protection of Children from Harm:

The restrictions set out in the Licensing Act 2003 will apply. No unusual risks of harm to children have been identified.

1.5. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

Environmental Health

See Appendix 2.

1.6. Interested Parties Representations

No representations.

1.7. Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

8.3 *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 Nuisance

- 7.41 *Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of premises and the type of activities expected to take place there.*
- 7.42 *As with all conditions, it will be clear that conditions relating to noise nuisance may in certain circumstances not be necessary where the provisions of the Environmental Protection Act 1990 and of the Noise Act 1996 adequately protect those living in the vicinity of the premises in question. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.*
- 7.43 *Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.*

1.8. Officer's Report

The representations by both the police and the environmental health officer relate to prevention of public nuisance.

These should be taken into account when determining the application along with the submissions of the applicant.

1.9. Recommendation

That members determine the applications 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

Bryncoch North

1.10 Licence Application for Transitional Premises Licence with variation

Ref.No.: 002482 Wards Rhos
Affected:
Premises Name: The Smiths Arms
Premises Address: Smiths Arms, 118 Neath Road, Rhos, Pontardawe, SA8 3HB
Applicant Name: Punch Taverns Plc
Applicant Address: Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2
DPS Name: Joanne Louise Griffiths
DPS Address: Smiths Arms, 118 Neath Road, Pontardawe, Swansea, SA8 3HB
Application Date: 03/08/2005

1.11. Conversion Application

The premises have traded as a public house 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.

1.12. Variation Application

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

Supply of Alcohol:

Monday to Thursday 11.00 - 00.00

Friday to Saturday 11.00 - 01.00

Sunday 11.00 - 00.00

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank Holiday, spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A Further additional hour into the morning following every Thursday,

Friday Saturday, Sunday and Monday for the Easter Bank holiday weekend.

A Further additional hour every Christmas Eve.

A Further additional hour every Boxing Day

To reflect existing New Year's Eve/Day hours.

Opening Hours - Standard Timings:

Monday to Thursday 11.00 - 00.30

Friday to Saturday 11.00 - 01.30

Sunday 11.00 - 00.30

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank Holiday, spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A Further additional hour into the morning following every Thursday, Friday Saturday, Sunday and Monday for the Easter Bank holiday weekend.

A Further additional hour every Christmas Eve.

A Further additional hour every Boxing Day

To reflect existing New Year's Eve/Day hours. Non-standard Timings:

Live Music:

Monday to Sunday 11.00 - 23.00

Recorded Music:

Monday to Thursday 11.00 - 00.00

Friday to Saturday 11.00 - 01.00

Sunday 11.00 - 00.00

Non-standard Timings:

A further additional hour into the morning following every Friday, Saturday, Sunday and Monday for each May bank Holiday, spring/Whitsun Bank Holiday and every August Bank Holiday weekend.

A Further additional hour into the morning following every Thursday, Friday Saturday, Sunday and Monday for the Easter Bank holiday weekend.

A Further additional hour every Christmas Eve.

A further additional hour every Boxing Day

To reflect existing New Year's Eve/Day hours.

Facility like Music/Dance:

Monday to Sunday 11.00 - 23.00

1.13. Background Information

Provided by applicant:-

The Smiths Arms is the only public house located in the village of Rhos. The outside of the pub is lit at night. There is a carpark with parking for around 12 cars. there is an outside drinking area to the side of the premises. Internally the pub is a traditional two room layout with separate public and lounge bars. There is a catering kitchen with an extract system. There are ladies and gents toilet facilities. There are no AWP machines and no cigarette machines located. The pub is equipped with emergency lighting and exits are indicated via illuminated exit signs. There is a fire alarm connected to heat detectors and break glass emergency buttons. All fire fighting equipment is serviced annually. The Gas and electrical installations are certified.

1.14. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Following an assessment of the premises and its surrounding area the following is proposed:

30 minutes drinking up time will allow appropriate dispersal, use of lavatories etc in order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

The Prevention of Crime & Disorder:

Most customers are local.

Illumination is provided to the exterior areas of the pub

The licensees/staff monitor customer behaviour especially during busy periods.

There are no other licensed premises in close proximity
Burglar alarm system in place, alarmed doors and windows/ secure windows.

Public Safety:

The pub is equipped with emergency lighting, illuminated exit signs and a fire detection system.

All fire fighting equipment is serviced annually.

All portable electrical appliances are tested annually.

There are current electric and gas certificates in place.

Mechanical extraction is provided in each bar.

The pub promotes a licensed taxi service to facilitate its customers making onward journeys.

Accident/ incident book on site for staff and public.

Key staff hold Basic Food Hygiene Certificates.

Staff are aware of the needs of disabled customers and offer assistance when required.

The Prevention of Public Nuisance:

There are no opening windows in the bar area and all entrance doors have internal lobbies.

When required, staff organise taxis to transport customers home and customers are seen off the premises and encouraged to disperse at closing.

The public house is semi detached property and noise transfer to the neighbouring property is minimal, music is of a background nature and there is no jukebox.

All windows are double glazed.

The Protection of Children from Harm:

Children are not permitted unless accompanied by an adult.

Children are not permitted in the public bar

There are no AWP'S located

Nudity or partial nudity are not permitted at any time

1.15. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 3

Interested Parties Representations

No representations

1.16. 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

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.*

1.17. Officer's Report

The police in their representations specify measures to deal with concerns raised in respect of the prevention of public nuisance.

These may be considered by members if they see them as appropriate and necessary after hearing all submissions.

1.18. 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

Bryncoch North

The Prevention of Crime & Disorder:

Well lit premises.

Public Safety:

Non slippery floors.

Solid construction of building.

Customer not allowed behind counter.

The Prevention of Public Nuisance:

Do not provide gaming machines.

Do not serve alcoholic drinks.

The Protection of Children from Harm:

Do not provide gaming machines.

Do not serve alcoholic drinks.

1.23. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 4

1.24. Interested Parties Representations

No representations

1.25. Policy Considerations

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

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.

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.*

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.*

1.26. Officer's Report

The police representations are based on crime and disorder. The location of the premises within the Neath Town Centre and the hours sought are such that the police believe that it will have a negative impact on crime and disorder. Measures are proposed to alleviate some of the issues raised. These should be considered after hearing all representations and submissions.

1.27. 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

Ward Affected

Neath North

2.0. Application for Transitional Club Premises Certificate

Ref.No.: 002474 Wards Coedffranc Central
Affected:
Premises Name: Skewen RFC
Premises Tennant Park, Skewen, Neath, West Glamorgan
Address:
Applicant Name: Mr Raymond Tyrrell
Applicant 57 Crymlyn Parc, Neath, West Glamorgan, SA10 6DG
Address:
Application 03/08/2005
Date:

2.1. Conversion Application

The premises have operated as a registered club for many years and are entitled to a club premises certificate for the supply of alcohol with the previous permitted hours becoming conditions of the new certificate.

The relevant licensable activities are presently:-

The Supply of Alcohol	Monday - Saturday	10:00am - 11:00pm
	Sunday	Noon - 10:30pm
	(on and off premises)	

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

2.2. Variation Application

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

Supply of Alcohol:

Monday - Sunday 10:00 00:00

Non-standard Timings:

Drinking in the beer garden will not be beyond 22:00 hours.

Live Music:

Monday - Sunday 10:00 00:00

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

2.3. Background Information

It is a single storey club house alongside the rugby field in Skewen. It is built of brick and concrete roof sheeting. It is a registered members club. It is run by an elected committee in accordance with its constitution. It currently operates in accordance with the licensing hours permitted by the Neath Port Talbot Petty Sessional Division.

Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The club is a registered members club. It is run by an elected committee in accordance with their constitution. The committee supports the licensing objectives, the details of which are set out 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 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.

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 or 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 glass 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 (the 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 licensed premises is concerned but also to consider those who live or work within the vicinity of the premises or 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 system 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) consume 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 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.

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.

2.4. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 5.

2.5. 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*

- 8.3 *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 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.*

2.7. Officer's Report

The environmental health officer express concerns in respect of the protection of public nuisance, and makes recommendations with a view to minimising this. Members can consider these, along with any other relevant matters following representations by the environmental health officer and the applicant.

2.8. Recommendation

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

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

Coedffranc Central

2.9. Application for Transitional Club Premises Certificate

Ref.No.: 002448 Wards Taibach
Affected:
Premises Name: Taibach RFC
Premises Address: 23 Commercial Road, Taibach, Port Talbot
Applicant Name: John Vivian Daniel
Applicant Address: 16 Heol Yr Orsedd, Port Talbot, West Glamorgan, SA13 2HL
Application Date: 03/08/2005

2.10. Conversion Application

The premises have operated as a registered club for many years and are entitled to a club premises certificate for the supply of alcohol with the previous permitted hours becoming conditions of the new certificate.

The relevant licensable activities are presently:-

The Supply of Alcohol	Monday - Saturday	10:00am - 11:00pm
	Sunday	Noon - 10:30pm
	(on and off premises)	

Certificate of Suitability - Lounge and First Floor Function Room Only

Friday - Saturday 11:00am to 12:00 Midnight
Permitted Numbers Lounge - 160
1st Floor Function Room - 220

No entry / re-entry after 11:00pm.

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

2.11. Variation Application

Supply of Alcohol:
Sunday - Thursday 08:00 00:00
Friday & Saturday 08:00 01:00

Plays:
Monday - Sunday 18:00 01:00

Live Music:

Sunday - Thursday 12:00 01:00

Friday & Saturday 12:00 02:00

Recorded Music - times as above

Performance of Dance - times as above

Facilities for Making Music - times as above

Facilities for Dance - times as above

Restrictions requested to be lifted:

To remove any restrictions inherent in the Licensing Act 1964.

2.12. Background Information

Provided by applicant:-

2 storey building on the corner of Commercial Road and Dyffryn Road.

2.13. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Planning to install CCTV surveillance to monitor arrivals and departures at club main door. Club management committee and bar staff are informed of the Licensing Act 2003 objectives and statutory requirements to comply with all relevant provisions of the act.

The Prevention of Crime & Disorder:

We are planning to install CCTV surveillance and a controlled computerised key fob system to control entry into club. Club constitution includes rules governing the conduct of members and their guests, within and adjacent to club premises. Bar staff are instructed not to admit or serve members and guests who behave in a drunk and disorderly manner. All misconduct is reported and brought to the attention of committee.

Public Safety:

The club complies with health and safety and fire precautions regulations. After risk assessments preventative and control measures are in place to ensure the safety of members, guests, employees and entertainers whilst on the premises. The club complies with advised capacity limits, fire signs are posted and emergency exits are well lit.

The Prevention of Public Nuisance:

Signs are in place to ensure all windows and doors are closed after 10:30pm. Signs are also in place to remind members and guests to respect the needs of local residents. When live or recorded music is played all reasonable measures are taken to avoid disturbance to neighbouring properties. All refuse is stored in 2 large wheelie bins in a locked shed which are emptied weekly.

The Protection of Children from Harm:

All the junior rugby section playing members are to be given identity cards.

We are currently applying for disclosure for everyone involved with the junior rugby sections. Proof of age must be provided. We plan to install door control to ensure that all children are accompanied.

Accompanied children and grandchildren of members and guests may attend a private party. Committee members and members of staff are instructed in the offence provisions of the Licensing Act 2003 relating to alcohol and protection of children.

2.14. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 6.

Environmental Health

See Appendix 7.

Interested Parties Representations

No representations

2.15. 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.*

(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.

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.

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.*
- 7.43 *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.*

2.16. Officer's Report

The police raise representations in respect of crime and disorder, public safety and prevention of public nuisance.

The environmental health officer makes representations in respect of the prevention of public nuisance.

Both responsible authorities propose restrictions and or conditions to

deal with the areas of concern.

Members will need to assess whether they should be imposed after hearing all personal representations and the applicants submissions.

2.17. 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

2.18. Application for Transitional Club Premises Certificate

Ref.No.: 002630 Wards Lower Brynamman
Affected:

Premises Name: Brynamman RFC
Premises 1 Amman Road, Lower Brynamman, Ammanford, Dyfed, SA18
Address: 1SN
Applicant Name: Mr John Brinley Davies
Applicant 34 Llandeilo Road, Upper Brynamman, Ammanford, Dyfed,
Address: SA18 1BG
Application 04/08/2005
Date:

2.19. Conversion Application

The premises have operated as a registered club for many years and are entitled to a club premises certificate for the supply of alcohol with the previous permitted hours becoming conditions of the new certificate.

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.

2.20. Variation Application

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

Supply of Alcohol:
Monday to Thursday 11.00 - 00.00
Friday to Saturday 11.00 - 02.00
Sunday 12.00 - 23.00
Non-standard Timings:
Christmas Day and Good Friday 12.00 - 23.00

Live Music:
Friday to Sunday 19.00 - 23.00
Non-standard Timings:
Christmas, New Year, Bank Holiday and Easter

Recorded Music:
Monday to Thursday 11.00 - 23.00
Friday to Saturday 11.00 - 02.00
Sunday 12.00 - 23.00

Facilities for Dancing:
Friday to Sunday 19.00- 23.00
Non-standard Timings:
Christmas, New Year, Easter and Bank Holiday.

2.21. Background Information

Provided by applicant:-

The ground floor consists of a lounge area, members bar, function hall with dance floor and stage, toilets and a kitchen, the kitchen is used during home matches.

The lower level consists of squash courts, two gyms, male and female changing facilities, male and female WC, cellar and two storerooms.

Licensable activities will take place throughout the premises.

2.22. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The club committee will be responsible for the management of the premises to ensure that the club meets the four licensing objectives. The committee meets every Monday during the rugby season and on the first Monday of month during the off season and committee members attend regularly at the club premises to ensure that the objectives are being met. The committee will ensure that the club steward is aware of the club and of the committee's requirements and will, if necessary, amend its rules to ensure that there is compliance with the objectives.

The Prevention of Crime & Disorder:

The designated supervisor of the premises is the club steward. In this absence the designated supervisor will be senior bar staff. The steward is experienced in the licence trade having eight years

experience. The club committee will be responsible for the management of the premises to ensure that it liaises with the local police and local authority licensing officers. The committee will co-operate with the police and local authority licensing officers to minimise crime and disorder problems. The club stewards will receive in house training following liaison with police and local authority licensing officer and will attend courses where appropriate. The committee will ensure that it will work with the steward to maintain a safe environment and will enforce the club rules to ensure that members and/or their guests who behave in an orderly manner. The committee will also liaise and meet with its supplier who are Courage and will take advantage of its nationwide experience.

Public Safety:

The committee will liaise with the Fire Authority and Local Authority in respect of the occupancy capacity of the premises and will ensure that the capacity is not exceeded. The committee will ensure that the premises provide an adequate means of escape in the event of the fire or other emergency including provision for the safe evacuation of disabled or infirm persons. The club premises offers its members a supply of alcohol and the provision of music namely live music and recorded music and television. The club will operate between the hours of 15.00 - 23.00 Monday to Thursday , 15. - 24.30 Friday 14.00 to 24.30 Saturday, Sunday 12.00 - 23.00. The committee will undertake suitable and sufficient risk assessments periodically and will ensure that there are a sufficient number of people employed or engaged in security and safety of the premises and its members and guests.

The Prevention of Public Nuisance:

The club has installed double glazing throughout and the committee will ensure that sound levels emanating from the club premises are at an acceptable level. The committee 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 committee will ensure that prominent clear and legible notices will be displayed at all exits requesting members and guests 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 other than if accompanied by an adult member and then for food or rugby events

only. They are required to remain under the supervision of the adult members at all times.

2.23. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 8

Environmental Health

See Appendix 9

2.24. Interested Parties Representations

See Appendix 3

2.25. Policy Considerations

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

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.*

(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

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Public Order

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necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.

2.26. Officer's Report

The police make representations on ground of crime and disorder, public safety, and prevention of public nuisance. Representations are also made by the environmental health officer and residents on similar grounds.

All personal and written representations should be considered before determination of the application.

2.27. Recommendation

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

List of Background Papers

Application for Premises Licence

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Wards Affected

Lower Brynamman