

LICENSING & GAMBLING ACTS SUB COMMITTEE

28TH AUGUST 2007

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-280807-REP-FS-JS

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Applications		
Ref.No.: 006294 Description: Vary Premises Licence Name: Flames Address: 21 High Street, Pontardawe, Swansea, SA8 4HU	2-8	Pontardawe

1.1. Application To Vary Premises Licence

Ref.No.: 006294 Wards Pontardawe
Affected:
Premises Name: Flames
Premises Address: 21 High Street, Pontardawe, Swansea, SA8 4HU
Applicant Name: Mr Mazlum Kara
Applicant Address: Flames, 21 High Street, Pontardawe, Swansea, SA8 4HU
DPS Name:
DPS Address:
Application Date: 02/07/2007

1.2 Variation Application

Opening Hours - Standard Timings:

Sunday - Thursday 23:00 01:20
Friday & Saturday 23:00 04:20

Non-standard Timings:

Bank Holiday Sunday 23:00 02:20
Pontardawe Music Festival 23:00 04:20

Late Night Refreshment:

Sunday - Thursday 23:00 01:00
Friday & Saturday 23:00 04:00

Non-standard Timings:

Bank Holiday Sundays 23:00 02:00
Pontardawe Music Festival 23:00 04:00

1.3 Background Information

Flames currently holds a premises licence as follows:-

Opening Hours:

Sunday – Thursday 23:00 – 00:20
Friday and Saturday 23:00 – 01:20

Late Night Refreshment:

Sunday-Thursday	23:00 - 00:00
Friday and Saturday	23:00 - 01:00

1.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

The Prevention of Crime and Disorder
Have CCTV on premises.

The Prevention of Public Nuisance
Signs requesting patrons to leave in a quiet manner.
Clean outside shop every night

1.5 Relevant Representations:

Responsible Authorities

Environmental Health

See Appendix 1

Police

See Appendix 2

Interested Parties

No representations.

1.6 Policy Considerations

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

Statement of Licensing Policy

8.0 Prevention of Public Nuisance

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

- *The need for these will be dependent to the style and characteristics of the premises and events.*
 - *Obtaining advice from a suitably qualified acoustic specialist to determine any impact from activities. This applies both to music noise, and vibration.*
 - *Steps taken to control the emission of noise from the premises by ensuring that doors and windows are kept closed, e.g. entertainment noise, plant noise and social noise.*
 - *Structural alterations carried out to minimise noise leakage from the premises, including sound insulation, acoustic lobbies, provision of air conditioning.*
 - *Systems in place to deal with disorder on the premises.*
 - *Measures to be taken to ensure that windows and doors are kept closed during periods when amplified music is being played.*
 - *Steps taken to ensure that fire doors are kept closed.*
 - *The arrangements in place to ensure that patrons leaving the premises do so in a way that does not disturb nearby residents.*
 - *The use of CCTV systems to monitor the immediate area outside the premises and car park area.*
 - *The measures taken to ensure that patrons arriving and leaving by taxi / minibuses do not disturb residents by arranging with taxi / minibus companies agreed pick up and drop off points and to avoid use of horns etc.*
 - *Liaison with public transport providers.*
 - *If the applicant has previously held a licence the history of enforcement action arising from these premises.*
 - *Steps taken by the applicant to minimise any light pollution affecting the community.*
 - *Details of any refuse storage, and disposal of any additional litter generated as a result of the activity.*
- 05/01/2005 15
- *Steps to avoid late night noise from disposal of empty bottles.*

- *Measures to minimise noise from staff leaving the premises.*
- *Details as to whether the use of a noise limiter has been considered to control noise levels.*
- *The use of prominent signs displayed requesting patrons to have regard to local residents when leaving the premises.*
- *Steps to be taken to avoid any noxious smells from causing nuisance to local residents.*
- *Details of actions to be taken in the case of an emergency.*

8.8 *The council may require measures to deal with problems of litter. In particular with regard to licensed takeaway or fast food premises, the requirement to remove litter from the vicinity of the premises and or provide litter bins and or clean the area in the vicinity of the premises.*

Secretary of State's Guidance

2.40 *The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour.*

Crime and Disorder

Secretary of State's Guidance

2.6 *Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television cameras both inside and immediately outside the premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. Some licensees may wish to have cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.*

Officer's Report

The Police make representations in respect of crime and disorder and public nuisance. Concerns are expressed that there is a potential for social disturbance. Recommendations are that SIA registered door staff are employed whenever the premises is open beyond 1.00am. Also that a CCTV system is provided with recordings being kept for a period of 28 days. Environmental Health make representations in respect of public nuisance. Concerns are expressed at possible disturbance due to the close proximity to residential accommodation, and thus the existing closing time is maintained.

Recommendation

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

APPENDIX 1



Tony John From **Oddi wrth**
Tel **Ffôn**
01639 686360 Date **Dyddiad**
11/07/2007 Your Ref **Eich Cyf**
Our Ref **Ein Cyf**
TJ/128023

Memorandum Memorandwm

To At

TO: Licensing Section FAO Jim Sullivan

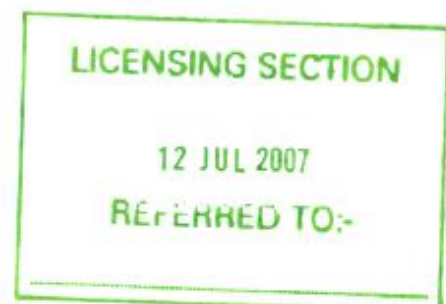
SUBJECT: Licensing Application - Flames, High Street, Pontardawe.

I refer to my recent representation and to my recent telephone conversation with Sarah Bartle when I was informed of the existing opening times.

The existing closing times are -
Sunday – Thursday - - 00:20
Friday and Saturday - - 01:20

I wish to withdraw my previous representations and recommend that the existing closing times are maintained for the reasons previously outlined.

Tony John
Environmental Health Officer



Val Cotton

From: John.B.Williams@south-wales.pnn.police.uk
Sent: 27 July 2007 15:56
To: Alwyn Hughes; Neil Chapple; Ron Staddon; Sarah Bartle; Val Cotton
Subject: Flames, Pontardawe

In respect of the application for a licence for the above premises, I wish to lodge the following objection:

1. To permit the premises to provide licensable activities until 1am Sunday to Thursday, until 4am Friday and Saturday and during the Pontardawe Festival and until 2am on Bank Holiday Sundays on will prolong the potential for social disturbance. Social disturbance encompasses vehicular and pedestrian noise, as well as public order and assault incidents etc. This would be contrary to the objectives of the prevention of public nuisance and the prevention of crime and disorder.

2. I require the premises be covered with a digitally recording CCTV system of a quality and coverage agreed by the Police Crime Prevention Officer. Recordings must be kept for a period of 28 days, and access permitted to Police and Local Authority licensing officers.

3. To permit the premises to remain open until this time is far beyond other premises in the area. To open to such a time will mean that patrons from late night "nightclub" venues would be frequenting Flames. At venues open to such a late hour there is a requirement that customers are supervised by SIA qualified door supervisors. In the interests of the prevention of crime and disorder and the promotion of public safety, I would require the premises to provide SIA qualified door staff at the premises whenever it is open beyond 1am. Such door staff should be on duty from midnight to adequately supervise late night customers and promote the licensing objectives. Door staff should be employed until the close of business. A record of the duty state of the door staff must be kept and made available to police and local authority licensing staff for inspection. Door staff must be employed in the ratios outlined in the Local Authority licensing policy.

Submitted for your information and consideration,

P.C. 1016 John Williams.
Divisional Licensing Officer.
Direct Line 01639 640207
E-mail john.b.williams@south-wales.pnn.police.uk

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Datganiad Cyfrinachedd E-bost

Nid yw'r e-bost yma ac unrhyw ffeiliau a drosglwyddir ynghyd â hi o anghenrheid yn adlewyrchu barn Heddlu De Cymru. Fe'i bwriedir ar gyfer y person neu'r endid a enwir isod. Os ydych wedi derbyn yr E-bost yma trwy gamgymeriad a fydddech gystal â hysbysu'r cychwynnwr a dileu'r E-bost yma o'ch system. Os nad chi yw'r derbynnydd bwriadedig neu'r cyfogydd neu'r asiant gyda chyfrifoldeb am ei throsglwyddo i'r derbynnydd bwriadedig, hysbysir chi drwy hyn fod defnyddio, adolygu, gwasgaru, dosbarthu neu gopïo'r E-bost yn gwbl waharddedig. Mae'r E-bost yma ynghyd ag unrhyw ffeiliau a drosglwyddir gyda hi wedi ei gwirio ar gyfer pob feirws hysbys. Dylai'r derbynnydd, er hynny, wirio'r E-bost ac unrhyw ymgysylltiadau ar gyfer presenoldeb unrhyw feirws, gan nad yw Heddlu De Cymru'n derbyn unrhyw gyfrifoldeb am unrhyw niwed a achosir gan unrhyw feirws a ellid ei drosglwyddo gyda'r E-bost yma.

Mae Heddlu De Cymru'n cadw'r hawl i fonitro holl weithgaredd a chynnwys E-bost.

27/07/2007