

LICENSING (2003 ACT) SUB COMMITTEE
28th September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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1.1. Licence Application for Transitional Premises Licence

Ref.No.: 002521 Wards Sandfields East
Affected:

Premises Name: Red Dragon Hotel
Premises The Red Dragon, Moorland Road, Port Talbot, West Glamorgan,
Address: SA12 6JZ
Applicant Name: Punch Taverns Plc
Applicant Jubilee House, Second Avenue, Burton Upon Trent, Staffs, DE14
Address: 2WF
DPS Name: Mr Vincent O'Brien
DPS Address: The Red Dragon, Moorland Road, Port Talbot, West Glamorgan,
SA12 6JZ
Application 04/08/2005
Date:

1.2 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.

1.3 Variation Application

Supply of Alcohol:

Monday - Saturday	11:00 - 00:00
Sunday	12:00 - 23:30

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:
Monday - Saturday 11:00 - 00:30
Sunday 12:00 - 00:00

Non-standard Timings:

As above

Live Music:
Monday - Saturday 11:00 - 00:00
Sunday 12:00 - 23:30

Non-standard Timings:

As above

Recorded Music:
Times as above

Amplified recorded music ancillary to sale of alcohol.

Facility like Music/Dance:
Times as above

Karaoke

1.4 Background Information

Provided by applicant:-

Two bar mid market local, large car park, garden, no food offered.

1.5 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 minute 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 machine, 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.

CCTV

Announcements requesting quiet departure

Parking Facilities.

The Prevention of Crime & Disorder:

Lighting to exterior of pub and car park.

CCTV

Most customers local

Public Safety:

Health & Safety certificate

Fire Alarm

Fire Fighting equipment

Emergency Lighting

Illuminated signs

Disability assessment

Smoking charter

The Prevention of Public Nuisance:

Lockable/closed windows

Fabric of building retains sound

No adjoining local residents

Double glazing

The Protection of Children from Harm:

No unaccompanied children

No children after 21:00

No striptease

No nudity

1.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

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 minimizing noise nuisance.*

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*

8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*

8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

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.

7.42As 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.

7.43Where 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 only issued raised by the police is the proposal to extend hours on the Thursday, Friday, Saturday and Sunday of a bank holiday weekend. It is considered by the police that this will lead to public nuisance in particular on the Thursday and Friday.

Members should consider whether the restrictions proposed are reasonable and necessary after hearing all representations and submissions.

1.9 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@not.gov.uk

Wards Affected

Sandfields East

2.1 Licence Application for Transitional Premises Licence with Variation

Ref.No.: 002547 Wards Crynant
Affected:
Premises Name: The Gradon Pub And Restaurant
Premises Address: 111 Main Road, Crynant, Neath, West Glamorgan, SA10 8PF
Applicant Name: Mr Alun Wyn Williams
Applicant Address: 111 Main Road, Crynant, Neath, SA10 8PF
DPS Name: Mr Alun Wyn Williams
DPS Address: 111 Main Road, Crynant, Neath, SA10 8PF
Application Date: 04/08/2005

2.2 Conversion Application

The premises have traded as a public house for many years and are entitled to 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.

3.2 Variation Application

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

Supply of Alcohol:
Monday to Sunday 11.00 - 00.30

Seasonal Variations:

No alcohol consumption outside in beer garden after 21.00hrs.

Opening Hours:
Monday to Sunday 11.00 - 01.00

Live Music:
Monday to Sunday 18.00 - 00.00

Recorded Music:
Monday to Sunday 11.00 - 00.30

Performance of Dance:
Monday to Sunday 18.00 - 00.30

2.4 Background Information

Provided by applicant:-

The Gradon Public House and Restaurant sale of alcohol and food on the premises

2.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

Under age drinking

Drug dealing on premises

Maintenance of premises kept to a high standard

Provide good quality of service to all customers

The Prevention of Crime & Disorder:

All staff are trained to be vigilant with under age drinkers and intoxicated customers

Customers causing a nuisance of themselves within the bar

Plastic glasses are given when customers are using the beer garden

Public Safety:

A strict policy is kept to the number of customers in the premises at any one time

Fire exits are to be kept clear at all times

Floors to be mopped dry if there are any spillages (wet floor signs put in place)

Any broken materials to be reported

All staff have been trained how to vacate customers and themselves from the premise if a fire broke out.

The Prevention of Public Nuisance:

Customers are vacated from the premises by staff with a view to minimise noise and nuisance to surrounding neighbours

All windows and doors shut at 21.00pm

The Protection of Children from Harm:

signs are placed around the premises explaining that children must be accompanied by parent/guardian over the age of 18 years old, no children allowed under the age of 18 years old in bar area.

Customer are asked for identification if need be.

2.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 2

Environmental Health

See Appendix 3

Interested Parties Representations

No representations

2.7 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 minimizing noise nuisance.*

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*

8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or*

disturbance to the local community, and if so, what measures are to be implemented to prevent this.

- 8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

Secretary of State's Guidance

Prevention of Nuisance

- 7.44 *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.*
- 7.45 *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.*
- 7.46 *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.*

2.8 Officer's Report

Representations made refer solely to the prevention of public nuisance. Recommendations are proposed by the environmental health officer with a view to mitigating any nuisance. Members can consider these and any other appropriate measures after hearing all representations and submission.

2.9 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

Crynant

3.1 Licence Application for Transitional Premises Licence

Ref.No.: 002610 Wards Gwynfi
Affected:

Premises Name: Gelli Hotel
Premises Address: Commercial Street, Abergwynfi, Port Talbot, SA13 3YL

Applicant Name: Mr Leigh Jones
Applicant Address: Gelli Hotel, 37 Commercial Street, Abergwynfi, Port Talbot, SA13 3YL

DPS Name: Mr Leigh Jones
DPS Address: Gelli Hotel, 37 Commercial Street, Abergwynfi, Port Talbot, SA13 3YL

Application Date: 04/08/2005

3.2 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

3.3 Variation Application

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

Supply of Alcohol:

Monday - Thursday	10:00 - 00:00
Friday & Saturday	10:00 - 01:00
Sunday	10:00 - 23:30

Non-standard Timings:

The outside area which is for the consumption of alcohol will be curtailed from 22:00 hours.

Opening Hours:

Monday - Thursday	10:00 - 00:30
Friday & Saturday	10:00 - 01:30
Sunday	10:00 - 00:00

Films:
Monday - Thursday 10:00 - 00:00
Friday & Saturday 10:00 - 01:00
Sunday 10:00 - 23:30

Indoor Sports:
Times as above

Live Music:
Times as above

Amplified music, doors, live bands, live artists, karaoke and occasionally dance groups may appear. It will not be amplified outside.

The licensed activities will be curtailed outside at 22:00 hours.

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 - Thursday 23:00 - 00:00
Friday & Saturday 23:00 - 01:00
Sunday 23:00 - 23:30

Non-standard Timings:
The licensed activities will be curtailed outside at 22:00 hours.

Restrictions requested to be lifted:

The applicant also seeks to remove the restrictions relating to the supper hour certificate which requires that alcohol can only be supplied to persons particularly of substantial refreshment.

3.4 Background Information

Provided by applicant:-

It is a two storey brick built building. It is a public house with a restaurant. It has a full justices licence to enable the licensees to sell alcohol of all description for consumption both on and off the premises. It has a restaurant licence so that patrons can consume alcohol when partaking of restaurant meals and this enables the alcohol to be sold up until midnight.

3.5 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 the details of which are set out in the schedule below.

The Prevention of Crime & Disorder:

To ensure that all times there will be an effective and responsible manager on duty on the premises when it is open for licensable activities

To ensure that all staff are trained

To ensure that all staff are properly supervised

To organise the lay-out and the location of various pieces of equipment within the premises so that equipment can be properly monitored and where necessary, properly controlled 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 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 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 there is a provision for regular collection of glass and bottles

To ensure that there is a provision for regular collection of glasses and bottles

To ensure that where the consumption of alcohol is likely to be in the open air that consideration is given to the use of toughened plastic vessels and notices to this effect are displayed at 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 drug 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 insofar as the licensed premises is concerned but also consider those who live or work within the vicinity of the premises or are passing by

Public Safety:

To ensure that the premises does not become overcrowded

To ensure that means of escape in the event of fire or other emergency are always kept clear

To ensure that the staff are informed about safe evacuation procedures

To ensure that the disabled or infirm are able to evacuate the premises

To provide a sufficient number of people employed or engaged to secure the safety of the premises and its patrons

To provide appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons including the disabled and infirm

To ensure that all appliances and systems pertinent to safety are tested on regular basis that 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

The Prevention of Public Nuisance:

To ensure that noise from amplified music does not have an adverse impact on those living or working in the vicinity of the premises e.g. closing windows and doors.

To ensure that staff are made aware of the steps that are to be taken should there be any disorderly conduct on the premises 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.

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

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 tobacco 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.

To provide a non smoking area.

3.6 Relevant Representations:

Responsible Authorities Representations

Environmental Health
See Appendix 4

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 minimizing noise nuisance.*

- 8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*
- 8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*
- 8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

Secretary of State's Guidance

Prevention of Nuisance

- 7.47 *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.*
- 7.48 *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.*
- 7.49 *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

The environmental health officer raises concerns in respect to the playing of music both inside and outside the premises.

In view of the location of the premises recommendations are made with a view to restriction the operating hours and the provision of musical entertainment. These should be considered after hearing all representation and submissions.

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

Ward Affected

Gwynfi

4.1 Licence Application for Transitional Premises Licence with variation

Ref.No.: 002628 Wards Cadoxton
Affected:
Premises Name: Green Dragon Hotel
Premises Address: Green Dragon, Church Road, Cadoxton, Neath, West Glamorgan, SA10 8AU
Applicant Name: Ms Eleanor Jane Gibson
Applicant Address: Green Dragon, Church Road, Cadoxton, Neath, West Glamorgan, SA10 8AU
DPS Name: Ms Eleanor Jane Gibson
DPS Address: Green Dragon, Church Road, Cadoxton, Neath, West Glamorgan, SA10 8AU
Application Date: 04/08/2005

4.2 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

4.3 Variation Application

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

Supply of Alcohol:	Monday to Thursday	10.00 - 00.00
	Friday to Saturday	10.00 - 01.00
	Sunday	10.00 - 00.00

Non-standard Timings:

10.00 New Year's Eve - 00.00 New Year's Day
10.00 - 01.00 on Friday, Saturday, Sunday & Monday on Bank holiday weekends, Christmas Eve and Boxing Day
10.00 -01.00 on up to (30) other events days per annum, at my discretion

Opening Hours:

Monday to Thursday 10.00 - 00.30

Friday to Saturday 10.00 - 01.30

Sunday 10.00 - 00.30

Non-standard Timings:

Trading hours may be extended on Bank Holidays and Event Days in line with any extension granted.

Films:

Monday to Thursday 10.00 - 00.30

Friday to Saturday 10.00 - 01.30

Sunday 10.00 - 00.30

Non-standard Timings:

When hours for sale of alcohol are extended on Bank Holidays and Event Days these are also extended in line with such extension.

Indoor Sporting Events:

Monday to Sunday 10.00 - 00.00

Non-standard Timings:

As above

Recorded Music:

Monday to Thursday 10.00 - 00.00

Friday to Saturday 10.00 - 01.00

Sunday 10.00 - 00.00

Non-standard Timings:

As above

Activity like Music/Dance:

Monday to Thursday 10.00 - 00.30

Friday to Saturday 10.00 - 01.30

Sunday 10.00 - 00.30

Non-standard Timings:

As above

Restrictions requested to be lifted:

Remove all embedded restrictions inherent in the Licensing Act 1964, the cinematograph (Safety) regulations 1955 and the Children and Young Persons Act 1933

4.4 Background Information

Provided by applicant:-

The premises is situated on the main road in Cadoxton, Neath adjoining a cemetery. There is a shop approximately 200 yards away and the premises is situated near to a small residential area. There is one

licensed premises within half a mile of the premises.

At present the premises does not serve food nor does it hold functions although there is a function room at the premises.

The local bus service passes the premises approximately every 15 minutes.

4.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The types of regulated entertainments proposed re-instate and then enhance the normal pub entertainments that were previously unregulated with the benefit to enhance the local facilities for social entertainment and reduce the focus on alcohol.

Staff will be trained on the requirements of the Licensing Act 2003 when they are recruited and given training in drugs awareness as part of their induction.

No new steps have been identified by risk assessment in relation to the four licensing objectives except as below.

We have considered the terms of your local licensing policy in preparing this application.

The Prevention of Crime & Disorder:

Providing a 30 minute extension of opening hours after the end of the sale of alcohol will promote this objective as the last drink will be consumed less quickly, with access to the pubs toilet facilities and the provision of non-alcoholic refreshment during this period.

No entry or re-entry after 23.00.

A personal licence holder will be present on the premises whenever they are trading.

The DPS will be willing to join the local pubwatch so long as it exists.

Not less than five working days written notice will be provided to the police if required, when Events Days are planned.

Public Safety:

Function bookings will be limited to 60 persons.

The Prevention of Public Nuisance:

Recorded music indoors will end no later than 01.00 except on New Years Eve and New Years day.

Recorded music volume will be reduced to background level during the wind down period to create a mood change.

All windows will be kept closed after 20.00.

A notice will be placed prominently at the exits asking customers to leave quietly.

The Protection of Children from Harm:

The restriction set out in the Licensing Act 2003 will apply. Photographic proof of age will be required to be shown by anyone seeking to purchase alcohol who appears to be under 20 years of age. No unusual risks of harm to children have been identified.

4.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 5

Environmental Health

See Appendix 6

Interested Parties Representations

No Representations

4.7 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 (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.

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 minimizing noise nuisance.

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*

8.5 *In premises where regulated entertainment is provided, the*

licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.

- 8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

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.*

4.8 Officer's Report

The police express concerns at the hours of operation which it is suggested will mean that CCTV and door supervisors are likely to be required. Also the location of the premises is such that it is likely to give rise to public nuisance.

The environmental health officer also refers to the likelihood for public nuisance and makes recommendations to minimise these problems.

The attachment of restrictions or conditions should be considered for any licence that may be issued, subject to the submissions made by all parties at the hearing.

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

Ward Affected

Cadoxton

5.1 Licence Application for Transitional Club Licence

Ref.No.: 002246 Wards Trebanos
Affected:

Premises Name: Trebanos RFC
Premises 123 Swansea Road, Pontardawe, Swansea, SA8 4BN
Address:

Applicant Name: Mr Hywel Griffiths
Applicant 204 Swansea Road, Pontardawe, Trebanos, Swansea, SA8 4BX
Address:

Application 04/08/2005
Date:

5.2 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	10:00-23.00
	Sunday	Noon-22.30
	(on and off premises)	

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

5.3 Variation Application

Supply of Alcohol:
Monday to Sunday 08.00 – 02.00

Plays:
Monday – Sunday
Times as above

Films –
Times as above
Indoors

The dance hall will from time to time at the sole discretion of the management, be made available for the showing of films.

Indoor Sports:
Times as above

The dance hall and club bar area will from time to time at the sole discretion of the management, be made available for sporting events such as darts, pool and such other sporting event as would be deemed appropriate taking into account the issues set out in the Licensing Objectives.

Live Music:
Times as above
Indoors

Amplified live music whether from discos, bands or accompanying live artists will take place in the dance hall or lounge from time to time at the discretion of the management committee.

Recorded Music:
Times as above
Indoors

Amplified live music whether from discos, bands or accompanying live artists will take place in the dance hall and from time to time in the bars at the discretion of the management committee.

Performance of Dance
Times as above
Indoors

The dance hall will at the discretion of the management committee be made available for the performance of dance such as line dancing, disco dancing and other exhibition dancing which will however always be in keeping with the licensing objectives set out in the schedule.

Activity like Music/Dance:
Times as above
Indoors

Facilities for Making Music:
Times as above
Indoors

Amplified discos, live bands and live artists

Facilities for Dance:
Times as above
Indoors

The dance hall will, at the discretion of the general committee be made available for all forms of dancing provided it is in keeping with licensing objectives.

Facility like Music/Dance:
Times as above
Indoors

Amplified discos, live bands, live artists at the discretion of the management committee.

5.4 Background Information

Provided by applicant:-

It is a two storey stone built detached building. The ground floor consists of a bar area and lounge with adjoining bar. The first floor consists of a large hall with bar. It is run by the committee of Trebanos R.F.C. It is currently open in accordance with the licensing Act 1964

5.5 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

There are no conditions on the existing certificate. It is a registered club, which as set out is run by an elected committee in accordance with its constitution.

The Prevention of Crime & Disorder:

To ensure that all times there will be an effective and responsible committee man 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 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 adhere to the guidance issued by any scheme which is designed to maintain and improve the licensing objectives.

To ensure that all members of staff are vigilant to prevent the use of supply of illegal drugs.

To ensure that all staff are mindful of the problems of under age drinking and when in doubt to request age identification by reference to driving licence or passport.

To maintain a similar policy to the above paragraph with regard to the sale of tobacco.

To ensure that staff prevent glasses and bottles being brought into or out of the premises by patrons and to place notices to that effect at the exit ways.

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.

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 underage 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 are passing by.

To provide a security camera recording those who enter and leave the premises.

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 and all committee men are informed about safe evacuation procedures.

To ensure that the disabled or infirm are able to evacuate the premises.

To provide a sufficient number of people employed or engaged to secure the safety of the premises and its patrons.

To provide appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons including the disabled and infirm.

To ensure that all appliances and systems pertinent to safety are tested on a regular basis that a written record of the tests are kept and will be available to all relevant authorities.

To provide a security camera recording those who enter and leave the premises.

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

The Prevention of Public Nuisance:

Ensure that noise from amplified music does not have an adverse impact on those living or working in the vicinity of the premises e.g. closing windows and doors.

To ensure that staff are made aware of the steps that are to be taken should there be any disorderly conduct on the premises 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 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.

5.6 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 7.

Environmental Health

See Appendix 8.

Interested Parties Representations

Interested Parties Representations

See Appendix 9.

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.*

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 minimizing noise nuisance.*

8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*

- 8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*
- 8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

Secretary of State's Guidance

7.0 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.*
- 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

Representations from the Police, refer to crime and disorder, public safety and prevention of public nuisance. Measures are proposed to deal with some of these issues.

The environmental health officer refers to the proposed operating hours which are likely to give rise to noise and sound disturbance. Recommendations are made to alleviate these matters.

Residents refer to crime and disorder matters as well as public nuisance issues.

All these representations should be given due consideration along with any submissions made by the applicant, prior to any determination by members.

5.9 Recommendation

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

List of Background Papers

Application for Premises Licence

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Wards Affected

Trebanos