

**LICENSING (2003 ACT) SUB COMMITTEE**

**28th November 2005**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

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### **1.1. Application for Variation of Premises Licence**

Ref.No.:	002098	Wards	Briton Ferry
		Affected:	East
Premises Name:	The Earl of Jersey		
Premises Address:	73 Neath Road, Briton Ferry, Neath, SA11 2DX		
Applicant Name:	Mr Ceri Morgan		
Applicant Address:	Ty Cwm Y Dwr, Cwm Y Dwr Lane, Briton Ferry, Neath, West Glamorgan, SA1		
DPS Name:	Mr David Richard Morgan		
DPS Address:	4 Cwm Y Dwr, Briton Ferry, Neath, West Glamorgan, SA11 2YT		
Application Date:	20/07/2005		

### **1.2 Current Application**

The premises are currently licensed as follows:-

#### Sale of Alcohol (on & off premises)

Monday - Saturday	10:00 - 23:00
Sunday	12:00 - 22:30

Subject to embedded restrictions inherent in Licensing Act 1964.

### **1.3 Variation Application**

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

#### Sale of Alcohol

Monday - Sunday	10:00 - 00:00
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#### Hours Premises Open to Public

Monday - Sunday	10:00 - 00:30
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#### Films

Monday - Saturday	10:00 - 00:00
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Live Music  
Monday - Sunday                      10:00 - 00:00

Recorded Music  
As live music

Anything of Similar Description to Music/Dance  
As live music

Facilities for Making Music  
As live music

Facilities of Similar Description to Music/Dance  
As live music

#### **1.4. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

The Prevention of Crime & Disorder:

Ensure at all times there will be an effective and responsible manager on duty.

To ensure that all staff are trained.

Organise the lay-out and location of various pieces of equipment within the premises so that equipment can be properly monitored.

Ensure that staffing levels are adequate to maintain a safe environment.

Ensure that 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.

Ensure that staff are vigilant to prevent the use or supply of illegal drugs.

Ensure that staff prevent glasses and bottles being brought into or out of the premises by patrons.

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.

Staff will report to the relevant authorities anyone dealing with illegal drugs.

Staff do not permit entry or serve anybody who is heavily intoxicated or seems to be under the influence of drugs.

Provide notices as appropriate in connection with under-age drinking etc.

### Public Safety:

Ensure that the premises does not become overcrowded.

Ensure that means of escape in the event of fire or other emergency are always kept clear.

Ensure that the staff are informed about safe evacuation procedures.

Ensure that the disabled or infirm are able to evacuate the premises.

Provide a sufficient number of people employed to secure the safety of the premises and its patrons.

Provide appropriate instruction, training and supervision of those employed to secure the safety of the premises.

Ensure that all appliances pertinent to safety are tested on a regular basis and a written record of the tests are kept.

Provide toughened or plastic drinking vessels if patrons 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.

Ensure that staff are made aware of the steps to be taken should there be any disorderly conduct.

Ensure that patrons arriving and leaving by taxi and minibuses should do so without disturbing the residents.

Consider whether any light pollution is caused by lighting appliances at the premises and if so to minimise it.

Ensure 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.

Staff to minimise noise when leaving the premises.

Take appropriate steps to avoid any noxious smells.

#### The Protection of Children from Harm:

Ensure that staff are aware that it is prohibited to sell alcohol to children.

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.

Request proof of age if in any doubt as to the age of anyone at the premises.

Provide a non-smoking area.

Children are permitted in the premises up until 18.00, but they must be at least 14 years old and after 18.00 no-one under 18 is permitted in the premises.

## **1.5. Relevant Representations:**

### **Responsible Authorities Representations**

#### Police

See Appendix 1

#### Environmental Health

See Appendix 2

### **Interested Parties Representations**

See Appendix 3.

## **1.6. Policy Considerations**

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

### Statement of Licensing Policy

#### **6.0 *Prevention of Crime & Disorder***

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

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

#### **(iii) *Glasses/Bottles***

*Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of*

*toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.*

## **8.0 Prevention of Public Nuisance**

- 8.2 *The Council will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be determined by the style and characteristics of the premises and events.*
- 8.3 *The Council may require applicants for premises licences to provide documented noise assessments with a view to minimising noise nuisance.*
- 8.4 *Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the licensing authority may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.*
- 8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*
- 8.6 *The licensing authority may at its discretion waive the requirement for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.*

### Secretary of State's Guidance

#### **Prevention of Nuisance**

- 7.41 *Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance should be*

*tailored to the style and characteristics of premises and the type of activities expected to take place there.*

7.42 *As with all conditions, it will be clear that conditions relating to noise nuisance may in certain circumstances not be necessary where the provisions of the Environmental Protection Act 1990 and of the Noise Act 1996 adequately protect those living in the vicinity of the premises in question. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be necessary.*

7.43 *Where applications have given rise to representations, any necessary and appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.*

## **1.7. Officer's Report**

Representations from the police relate exclusively to the provision of plastic drinking vessels outside the premises.

Representations from the environmental health officer refer to noise nuisance and recent problems. The officer makes recommendations to deal with these matters.

Residents of the area refer to existing problems with the premises in respect of noise and also disorder.

## **1.8. Recommendation**

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

### **List of Background Papers**

Application for premises licence.



**Officer Contact**

J Sullivan Principal Officer Licensing

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

**Wards Affected**

Briton Ferry East

### 1.9. Application for Premises Licence

Ref.No.: 002725 Wards Neath North  
Affected:  
Premises Topolis Pizza Parlour  
Name:  
Premises 8 The Parade, Neath, West Glamorgan, SA11 1PU  
Address:  
Applicant Mr Ali Haddad  
Name:  
Applicant 8 The Parade, Neath, SA11 1PU  
Address:  
DPS Name:  
DPS Address:  
Application 04/10/2005  
Date:

### 1.10. Licence Application

The applicant seeks to provide licensable activities as follows:-

#### Opening Hours - Standard Timings:

Monday - Sunday 11.00 - 03.00

#### Non-standard Timings:

Boxing Day 11.00 - 03.30

Bank Holiday 11.00 - 03.30

Christmas Eve 11.00 - 03.30

New Year's Eve 11.00 - 03.30

#### Late Night Refreshment:

Monday - Sunday 23.00 - 02.30

#### Non-standard Timings:

Boxing Day 23.00 - 03.00

Bank Holiday 23.00 - 03.00

Christmas Eve 23.00 - 03.00

New Year's Eve 23.00 - 03.00

### 1.11. Background Information

Takeaway premises.

## **1.12. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

The Prevention of Crime & Disorder:

The existing CCTV in the shop can be accessed by the Police and Local Authority.

Training and monitoring of staff.

The display area separates the staff and the customer to maintain a high level of staff security.

The Public has no access to any of the equipment or till.

Management policy in tackling intoxicated or disorderly customers.

Customer waiting area is not provided with any furniture.

Adequate staffing level to maintain a safe environment.

Public Safety:

To carry out a risk assessment to the business to provide safety solutions for staff, customers and buildings.

Management is always to provide safety solutions for staff, customers and buildings.

Training the staff to deal with any emergencies that could occur.

Provide landline and mobile phones to contact police for any emergencies.

Provide CCTV camera, which can be seen at customer waiting area.

Provide guideline to fire safety and equipment test certificate.

The Prevention of Public Nuisance:

Provide CCTV camera in waiting area.

System in place to deal with disorder on premises.

Controls of any refuse storage.

Minimise any noise from staff leaving the premises.

Display signs requesting patrons to have regard to local residents when leaving the premises.

Tackling any odour problems that could cause a nuisance to local residents.

Provide details of action to be taken in case of an emergency.

**1.13. Relevant Representations:**

**Responsible Authorities Representations**

Police

See Appendix 4.

Interested Parties Representations

No representations.

**1.14. Policy Considerations**

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

Statement of Licensing Policy

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

(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.*

**Public Safety**

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.*

**Prevention of Public Nuisance**

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

### **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**

- 7.46 *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 from its customers. 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. As with all conditions, the licensing authority will have to consider whether such a requirement is necessary having regard to the licensable activities carried on, the type and characteristics of the premises.*

## **1.15. Officer's Report**

The Police make representations in relation to public order, public safety and prevention of nuisance, due to the location of the premises and the hours sought. Recommendations are made to address some of the issues raised.

**1.16. 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](mailto:j.Sullivan@npt.gov.uk)

**Wards Affected**

Neath North

### **1.17. Application for Variation of Licence**

Ref.No.: 002328                                  Wards                                  Bryn &  
Affected:                                  Cwmavon

Premises                                  Oakwood Inn  
Name:  
Premises                                  Church Square, Cwmavon, Port Talbot, West  
Address:                                  Glamorgan, SA12 9AP  
Applicant                                  Mr W J Smith  
Name:  
Applicant                                  Oakwood Inn, Church Square, Cwmavon, Port Talbot,  
Address:                                  SA12 9AP  
DPS Name:                                  Mr W J Smith  
DPS Address:                                  Oakwood Inn, Church Square, Cwmavon, Port Talbot,  
SA12 9AP  
Application                                  01/08/2005  
Date:

### **1.18 Current Application**

The premises are currently licensed as follows:-

#### Supply of Alcohol (on and off premises)

##### Standard Timings

Monday - Saturday	11.00 - 23.00hrs
Sunday	12.00 - 22.30hrs

##### Non-Standard Timings

Good Friday	12.00 - 22.30
Christmas Day	12.00 - 15.00 19.00 - 22.30

##### Recorded Music

##### Standard & Non-standard Timings

As above

##### Facilities for Making Music/Dance

##### Standard & Non-standard Timings

As above



Performance of Dance  
Standard & Non-standard Timings  
As above

Activity like Music/Dance  
Standard & Non-standard Timings  
As above

## **1.12. Variation Application**

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

### Sale of Alcohol

#### Standard Timings

Monday - Thursday	11.00 - 23.00hrs
Friday - Saturday	11.00 - 23.30hrs
Sunday	12.00 - 22.30hrs

#### Non-Standard Timings

(1) A further additional hours into the morning following every Friday, Saturday, Sunday and Monday for each May Day Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday.

(2) A further additional hour into the morning following every Thursday, Friday, Saturday, Sunday and Monday for Easter Bank Holiday weekend.

(3) A further additional hour every Christmas Eve and Boxing Day.

### Hours Premises Open to the Public

#### Standard Timings

Monday - Thursday	11.00 - 23.30hrs
Friday - Saturday	11.00 - 00.00hrs
Sunday	12.00 - 23.00hrs

#### Non-Standard Timings

Further additional hour on days as specified above (supply of alcohol).

Live Music

Standard Timings

Monday - Thursday	11.00 - 23.00hrs
Friday - Saturday	11.00 - 23.30hrs
Sunday	12.00 - 22.30hrs

Non-Standard Timings

As per supply of alcohol above.

Recorded Music

Standard Timings

As per supply of alcohol above.

Non-Standard Timings

As per supply of alcohol above.

Facilities for Dancing

Standard Timings

As per supply of alcohol above.

Non-Standard Timings

As per supply of alcohol above.

Facilities similar to Music/Dance

Standard Timings

As per supply of alcohol above.

Non-Standard Timings

As per supply of alcohol above.

The applicant also seeks to remove the condition of the public entertainment licence stating “live bands must not be employed”.

**1.13. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives:

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

which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

The interior of the premises is well lit, airy and bright.

The outside of the premises is well lit.

#### The Prevention of Crime & Disorder:

CCTV cameras installed in the Bar area.

All interior trading areas are visible to the staff from behind the bar servery.

The licensee/staff monitor customers behaviour, especially during busy periods.

#### Public Safety:

Emergency lighting is installed and maintained on the premises. Fire extinguishers are installed and maintained. Gas and electrical certificates are in place and appliances are tested annually.

An accident and incident booklet is kept on the premises.

Staff are aware of the applicants disability policy and assistance is always available.

#### The Prevention of Public Nuisance:

Management have control of the disco system.

All windows are kept closed when entertainment is provided. Signs in premises stating "Please be respectful of neighbours on departure".

When required staff organise taxis to transport customers home.

#### The Protection of Children from Harm:

No children under the age of 16 allowed on the premises after 21.00 hours.

Cigarette machine is positioned in sight of the bar serverly.  
Full range of soft drinks are stocked.

AWP machines are positioned within easy sight of the bar serverly.

Management regularly walk around the premises.

#### **1.14. Relevant Representations:**

##### **Responsible Authorities Representations**

###### Police

See Appendix 5

##### **Interested Parties Representations**

See Appendix 6

#### **1.15. Policy Considerations**

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

##### **8.0 *Prevention of Public Nuisance***

8.2 *The Council will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be determined by the style and characteristics of the premises and events.*

8.3 *The Council may require applicants for premises licences to provide documented noise assessments with a view to minimising noise nuisance.*

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

8.5 *In premises where regulated entertainment is provided, the licensing authority will require a documented noise assessment for*

*the premises, which must indicate whether there is likely to be any nuisance or disturbance to the local community, and if so, what measures are to be implemented to prevent this.*

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

*Secretary of 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.*

### **1.16. Officer Report**

The police make representations in respect of noise, social disturbance, and the hours sought on Bank Holidays. Requirements in respect of CCTV are also proposed.

Residents refer to noise nuisance, social disturbance and disorder in their representations.

### **1.17. 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](mailto:j.sullivan@npt.gov.uk)

#### **Wards Affected**

Bryn & Cwmavon