

LICENSING AND GAMBLING ACTS SUB COMMITTEE

29TH JANUARY 2008

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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1.1. Application for Premises Licence

Ref.No.: 007232 Wards Cymmer
Affected:

Premises Name: Afan Lodge
Premises Afan Lodge, Afan Road, Duffryn Rhondda, Port Talbot, SA13
Address: 3ES
Applicant Name: Mr Richard Davies
Applicant Melody, Brynhafod, Bryn, Port Talbot, SA13 2SL
Address:
DPS Name: Mr Richard Davies
DPS Address: Melody, Brynhafod, Bryn, Port Talbot, SA13 2SL
Application 04/12/2007
Date:

1.2 Licence Application

Supply of Alcohol:

Monday to Sunday 00.00 - 23.59

Non-standard Timings:

10.00 - 01.00 for non residents.

Opening Hours - Standard Timings:

Monday to Sunday 06.00 - 02.00

Non-standard Timings:

Outside verandah area will be closed no later than 00.00.

Plays: Indoors

Monday to Sunday 10.00 - 02.00

Films: Indoors

Monday to Sunday 00.00 - 23.59

Non-standard Timings:

10.00 - 02.00 for non residents.

Indoor Sporting Events:

Monday to Sunday 00.00 - 23.59

Non-standard Timings:

10.00 to 02.00 for non residents.

Live Music: Indoors and Outdoors

Monday to Sunday 10.00 - 02.00

Non-standard Timings:

Outside verandah area will not be used for music after 22.00.

Recorded Music: Indoors
Monday to Sunday 10.00 - 02.00

Performance of Dance: Indoors
Monday to Sunday 10.00 - 02.00

Activity like Music/Dance: Indoors
Monday to Sunday 10.00 - 02.00

Facilities for Making Music: Indoors
Monday to Sunday 10.00 - 02.00

Facilities for Dancing: Indoors
Monday to Sunday 10.00 - 02.00

Facility like Music/Dance: Indoors
Monday to Sunday 10.00 - 02.00

Late Night Refreshment: Indoors
Monday to Sunday 23.00 - 05.00

1.3 Background Information

The property is situated in its own grounds and is located in the Afan Valley close to Afan Forest Park Visitor Centre. The property is currently being redeveloped into a 15 bedroom hotel providing café bar/ restaurant facilities.

The property was previously known as the Queensbury and held a licence for the sale of alcohol prior to November 2005. No application was made for the conversion of the existing licence and consequently the licence lapsed when the Licensing Act 2003 became effective.

1.4 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

1. Installation of CCTV
2. Appropriate instruction and training and supervision of those employed or engaged to secure the safety of the premises and patrons.
3. Appropriate instruction training and supervision of those employed or engaged to prevent incidents of public nuisance.
4. Staff training on licensing issues.

The prevention of crime & disorder:

Effective and responsible management of premises.

Training and supervision of staff.

Adoption of best practice guidance (eg relating to drinks promotions and point of sale promotions published by the BBPA).

Prevent the admission and/or ensure the departure from the premises of drunken and disorderly persons without causing further disorder.

Drugs Policies/Notices.

Public safety:

To provide appropriate lighting - internal, external and car parking areas.

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

To regulate and check the occupancy capacity of the premises.

To provide regular testing and certification (where appropriate) of procedures and systems pertinent to safety.

The prevention of public nuisance:

By keeping the music to a reasonable level with regular noise patrols of the local area.

Prevention of light pollution.

The management of people (including staff) arriving and leaving the premises. The control of operating hours for all parts of the premises including deliveries.

Notices asking patrons to leave quietly.

Considerate loading and unloading of glass bottles.

The protection of children from harm:

Persons who look under 21 will be asked for identification before being sold alcohol. The acceptable identification would be a passport, drivers licence or a nationally recognisable ID card.

No unaccompanied children under the age of 16 would be permitted in the bar area.

No entertainment of an adult or sexual nature will be permitted.

1.5 Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 1

Interested Parties Representations

None

1.6 Policy Considerations

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

Licensing Policy

8.0 Prevention of Public Nuisance

- 8.1 *Licensed premises, especially those operating late at night and in the early hours of the morning can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The council wishes to maintain and protect the amenity of residents and businesses from potential consequence of the operation of licensed premises. However it also recognises the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.*
- 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.*
- 8.4 *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.*

Secretary of State's Guidance

Public nuisance

- 2.32 *The 2003 Act requires licensing authorities following receipt of relevant representations and, through the making of representations, responsible authorities to make judgments about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licences and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.*

2.36 *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*

1.7 Officer's Report

The representations received from the Environmental Health Officer (appendix 1) have been agreed to by the applicant. As a result the Environmental Health Officer has withdrawn his representations.

1.8 Recommendation

Approval subject to the condition requested by the Environmental Health Officer.

List of Background Papers

Application for Premises Licence.

Officer Contact

J Sullivan Licensing Manager
Tel (01639) 763056 email j.sullivan@npt.gov.uk

Wards Affected

Cymmer

Appendix 1



Tony John From **Oddi wrth**
Tel **Ffôn**
01639 685630 Date **Dyddiad**
05/12/2007 Your Ref **Eich Cyf**
Our Ref **Ein Cyf**
TJ/134087

Memorandum **Memorandwm**

To At

TO: Licensing Section FAO Jim Sullivan

SUBJECT: Licensing Application received for a Premise Licence at Afan Lodge, Afan Road, Duffryn Rhondda

I have the following comments to make relating to the application listed –

1. Concern is expressed relating to the proposed live amplified music to be played outside of the main building until 22:00. The area in which the premises are situated is quiet with houses and a school within close proximity and there is a likelihood that disturbance will occur.
2. I recommend that any licence should prohibit the playing of live or recorded amplified music outside of the main building so as to prevent public nuisance.
3. I further recommend that if a licence is granted that a condition be applied that entertainment noise shall be inaudible inside any noise sensitive property.



Tony John
Environmental Health Officer

2.1 Application for Variation of Premises Licence

Ref.No.: 007253 Wards Pontardawe
Affected:
Premises Name: Emma's Fast Food
Premises Address: 67 Herbert Street, Pontardawe, Swansea, SA8 4ED
Applicant Name: Mr Suleyman Atila
Applicant Address: 67 Herbert Street, Pontardawe, Swansea, SA8 4ED
DPS Name:
DPS Address:
Application Date: 07/12/2007

2.2 Current Licence

Late Night Refreshment: Indoors

Sunday to Thursday 23.00 - 00.00

Friday & Saturday 23.00 - 01.00

Non-standard Timings:

Bank Holidays 23.00 - 01.00

Opening Hours - Standard Timings:

Sunday to Thursday 23.00 - 00.20

Friday & Saturday 23.00 - 01.20

Non-standard Timings:

Bank Holidays 23.00 - 01.20

Conditions:

- The Designated Premises Supervisor or a nominated responsible person must ensure that adequate provision has been made to enable, in the event of any emergency the safe evacuation of disabled as well as able bodied persons.
- Provide prominent signs throughout the premises and at all exits requesting patrons to leave in a quiet and orderly manner so as to minimise impact on local residents.

2.3 Variation Application

Late Night Refreshment: Indoors:

Sunday - Thursday 23.00 – 00:00

Friday & Saturday 23:00 – 02:30
Day before a bank holiday 23:00 – 02:30

Opening Hours - Standard Timings:

Sunday – Thursday 23:00 – 00:30
Friday & Saturday 23:00 – 03:00
Day before a bank holiday 23:00 – 03:00

2.4 Background Information

An application for a premises licence was made in October 2005 and requested opening hours until 02:50 on the weekends. This application was subject to representations from the police and the subsequent negotiation between the police and the applicant resulted in the existing hours being agreed.

2.5 Promotion of Licensing Objectives

In addition to the conditions currently on the licence the following information has been provided by the applicant:

General - all four licensing objectives:

CCTV 24 hour recordable (inside & outside)
Police and community officer liasing
Double staff levels

The prevention of crime & disorder:

At Emma's we have 24 hour CCTV in action, also we liase with the police & have contact with the community officer locally.

Public safety:

As mentioned above the CCTV & local policing relationship ensure to uphold the safety of customers and general public safety.

The prevention of public nuisance:

At present on weekends staffing levels are doubled not only to ensure smooth service to control any crowd or gathering inside or outside the premises.

The protection of children from harm:

N/A

2.6 Relevant Representations:

Responsible Authorities Representations

J. Williams – Police Licensing Officer

See Appendix 2

Interested Parties Representations

Mr M. James – Business interests at 27, 37, and 56 Herbert Street, Pontardawe.

See Appendix 3

Mr James' representations are reproduced at Appendix 3. The representations relate to the likelihood of an increase in crime and disorder and noise nuisance in and around Herbert Street.

2.7 Policy Considerations

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

Licensing Policy

6.0 *Crime and Disorder*

6.1 The Council acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The Council expects the licensing trade to fully co-operate and play its part in minimising crime and 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

Secretary of State's Guidance

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters.

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.

2.8 Officer's Report

The applicant has applied for a variation to the existing licence to permit later hours of operation on Friday and Saturday evenings.

The representation from the police relates to the potential for an increase in crime and disorder caused by persons leaving late night "nightclubs" frequenting Emma's.

The representation from Mr M. James, a person having business interests in Herbert Street also relates to the potential increase in crime and disorder and public nuisance caused by persons leaving the Paradise nightclub and going to Emma's.

2.9 Recommendation

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

List of Background Papers

Application for Premises Licence.

Officer Contact

J Sullivan Licensing Manager

Tel (01639) 763056 email j.sullivan@npt.gov.uk

Wards Affected

Pontardawe

Sarah Bartle

From: John.B.Williams@south-wales.pnn.police.uk
Sent: 04 January 2008 14:12
To: Dave Rees; Jim Sullivan; Neil Chapple; Sarah Bartle; Val Cotton
Subject: Emma's fast Food, Pontardawe

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

1. This application was not received by Police until Friday 4th January 2008, when a copy was e-mailed by the Local Authority Licensing Department.
2. To permit the premises to provide licensable activities, until 2:30am Friday and Saturday with an extra 30 minutes before closing 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.
3. 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.
4. 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 Emma's. 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 gwlw 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

Appendix 3

From: Mike James [mike@pontardawe.net]
Sent: 14 December 2007 17:51
To: Val Cotton
Subject: Re: APPLICATIONS

I would object to any extension to emmas
as as they are one of the major contributors to. The trouble in Herbert St at night.

Mike J

-----Original Message-----

From: "Val Cotton" <v.cotton@neath-porttalbot.gov.uk>

Date: Fri, 14 Dec 2007 14:50:20

To: "Mike James" <mike@pontardawe.net>

Subject: RE: APPLICATIONS

Hi Mike

Emma's Fast Food Variation

Original Licence

The times the licence authorises the carrying out of licensable activities

Late Night Refreshment:

Sunday to Thursday 23.00 - 00.00

Friday & Saturday 23.00 - 01.00

Non-standard Timings:

Bank Holiday 23.00 - 01.00

The opening hours of the premises

Opening Hours - Standard Timings:

Sunday to Thursday 23.00 - 00.20

Friday & Saturday 23.00 - 01.20

Non-standard Timings:

Bank Holiday 23.00 - 01.20

Variation for late night refreshment

Sunday to Thursday

The same until 12.00 midnight

Friday and Saturday until 2.30am

Hours Premises open to public

Sunday to Thursday

An extra 30 minutes closing up time

Friday and Saturday

an extra 30 minutes closing up time.

Regards - Val

[Val Cotton]

-----Original Message-----

From: Mike James [mailto:mike@pontardawe.net]

Sent: 14 December 2007 14:30

To: Val Cotton

Subject: RE: APPLICATIONS

Appendix 3 continued

Jim Sullivan

From: Mike James [mike@pontardawe.net]
Sent: 14 January 2008 18:02
To: Jim Sullivan
Subject: RE: Emma's Fast Food - Variation

Jim

56 HERBERT STREET. 37 HERBERT STREET. 27 HERBERT STREET.

Emmas with additional hours will attract the customers of Paradise down through the village, who are then causing damage to properties, IE. Smashed windows, turning off of Gas supply at 37 Herbert St. Excessive noise after Midnight,

Mike J

From: Jim Sullivan [mailto:j.sullivan@neath-porttalbot.gov.uk]
Sent: 14 January 2008 11:22
To: mike@pontardawe.net
Subject: Emma's Fast Food - Variation

Mike,
In connection with your representations about the above premises, please can you provide the following info :-

Details of your business interests in the vicinity of Emma's.

Details of your concerns in respect of crime and disorder.

Jim