

LICENSING (2003 ACT) SUB COMMITTEE

29th September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

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1.3. Variation Application

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

Supply of Alcohol:

Monday - Sunday 12:00 - 02:00

Non-standard Timings:

Christmas Eve for 1 additional hour.

New Years Eve from commencement of hours on New Years Eve until completion of hours on New Years Day.

On the occasion of televised broadcasts of Welsh, English and British sporting events - for a period commencing 30 minutes prior to the event starting, during the event and until a period of 30 mins following the end of the event.

Opening Hours - Standard Timings:

Monday - Sunday 12:00 - 02:45

Non-standard Timings:

Christmas Eve for 1 additional hour.

New Years Eve from commencement of hours on New Years Eve until completion of hours on New Years Day.

On the occasion of televised broadcasts of Welsh, English and British sporting events - for a period commencing 30 minutes prior to the event starting, during the event and until a period of 30 mins following the end of the event.

Live Music:

Monday - Sunday 12:00 - 02:00

Recorded Music:

Monday - Sunday 12:00 - 02:45

Facilities for Dancing:

Monday - Sunday 12:00 - 02:00

Restrictions requested to be lifted:

Will require removal of condition (s.77 Licensing Act 1964) that alcohol is ancillary to music, dancing and substantial refreshment.

1.4. Background Information

No information provided.

1.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - All Four Licensing Objectives:

The premises has a well documented Management and Staff Training Policy.

All staff are fully conversant with the Premises Operating Policies, compliance of which is a condition of employment.

The Prevention of Crime & Disorder:

The premises has CCTV coverage consisting of 4 cameras, with a 30 day retention of images by way of Video Tape.

The premises has a comprehensive drugs policy, which includes staff training on the identification of common controlled drugs, symptoms of drug use and indications of drug misuse and residue. As part of the policy, staff are instructed to carry out regular checks of all public areas including toilets (and external drinking areas).

Any door supervisors employed at the premises, must be registered by the Security Industry Authority.

The premises fully complies with the Government's Safer Clubbing policy in relation to maintaining a safe temperature, the provision of free drinking water, regular breaks during periods of fast music and the welfare of its staff and customers.

The premises has a transport policy and a local Taxi Company is recommended for use by customers.

The premises operates a random search policy, whereby customers are routinely searched for illegal substances, alcohol and weapons.

The premises has clearly defined Conditions of Entry, which are pointed out to all customers on entry. These conditions cover searching of customers, both on entry and as to remain on the premises, disorderly conduct and drunkenness.

The premises has a glassware policy and plastic containers are supplied for use outside the premises.

The consumption of alcohol in open containers purchased inside the premises is only permitted in designated areas within the perimeter of the property. No open containers are supplied for on-street drinking. The premises has a comprehensive proof of age policy and notices are displayed in prominent areas informing customers that they may be required to produce relevant proof of age documents.

The premises are part of the Neath Pub and Club Watch scheme and all staff are aware of the requirement to telephone neighbouring licensed premises to alert them to any persons ejected or likely to cause problems to other licensed premises.

The premises has a 45 minute period at the end of sales of alcohol, to allow customers to disperse in an orderly and leisured manner. This extended period ensures that customers leave in small groups at a time most suited to themselves rather than waiting for others thus all leaving together.

Public Safety:

The premises fully comply with the requirements of the Fire Service having regard to alarms, firefighting equipment, fire escape routes and staff training.

The premises has a Fire Safety Policy.

The premises has a Disability Policy, which includes staff training on the provision of facilities for disabled persons and also the safe evacuation of such persons in the event of an emergency.

There is a regular supply of fresh water available for the customers use.

Numbers at the premises are strictly controlled in accordance with the capacity of the premises.

The music policy at the premises ensures that there are regular breaks in periods of fast music in order to allow dancers to cool down.

The Prevention of Public Nuisance:

The premises are aware of its responsibilities to its neighbours, local residents and the wider community.

All staff have received training in relation to noise and the importance of "good neighbourliness".

Notices have been placed at all exterior doors reminding exiting customers of their responsibilities.

The Protection of Children from Harm:

Access for children to the premises is as follows:

Unlimited to 2100 hrs daily.

The premises has a comprehensive age policy and all staff have received training with regard to acceptable proof of age documentation.

All staff have been trained in relation to offences which may be committed under the Licensing Act 2003, in particular those relating to the sale and consumption of alcohol by persons under the age of 18 years.

1.6. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 1.

Environmental Health

See Appendix 2.

Interested Parties Representations

No representations.

1.7. Policy Considerations

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

Statement of Licensing Policy

8.0. *Prevention of Public Nuisance*

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

Secretary of State's Guidance

Prevention of Nuisance

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

1.8. Officer's Report

The police express concerns at the proposal to open for sporting events at the discretion of the licensee. Alternative arrangements are proposed which would be acceptable to the police.

The environmental health officer raises representations in respect of the risk of nuisance due to the extended hours sought and suggests that these are not approved and that the operation of the beer garden be restricted.

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@npt.gov.uk

Wards Affected

Neath North

Sunday

12:00 - 01:00

2.4. Background Information

Large Detached Public House on Main Glynneath to Neath Road.
Public Bar & Lounge Bar to Ground Floor with Restaurant seating 34 on
Ground Floor.

Kitchen - Ground Floor

Toilets - Ground Floor

No public access other than Ground Floor.

Large outside drinking area on separate land on opposite side of
Glynneath Road together with large carpark.

2.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The premises have a well documented Management and Staff training
policy.

All staff have read and are conversant with the Premises Operating
Policies, compliance of which is a condition of employment.

The Prevention of Crime & Disorder:

The premises has no CCTV, but all public areas can be supervised from
the bar servery area.

In addition staff are instructed to visually examine all parts of
the premises at regular intervals.

The premises has a comprehensive drugs policy, which includes staff
training on the identification of common controlled drugs, symptoms of drug use
and indications of drug misuse and residue.

As part of the policy, staff are instructed to carry out regular checks
of all public areas including toilets (and external drinking areas).

Any door supervisors employed at the premises, must be registered by
the Security Industry Authority.

The premises has a transport policy and a local Taxi Company is recommended for use by customers.

The premises has a glassware policy and plastic containers are supplied for use outside the premises.

The consumption of alcohol in open containers purchased inside the premises is only permitted in designated areas within the perimeter of the property. No open containers are supplied for on-street drinking. The premises has a comprehensive proof of age policy and notices are displayed in prominent areas informing customers that they may be required to produce relevant proof of age documents.

The premises operate an informal good neighbour scheme and all staff are aware of the requirement to telephone neighbouring licensed premises to alert them to any persons ejected or likely to cause problems to other licensed premises.

Public Safety:

The premises full comply with the requirements of the Fire Service having regard to alarms, firefighting equipment, fire escape routes and staff training.

The premises has a Fire Safety Policy.

The premises has a disabled policy, which includes staff training on the provision of facilities for disabled persons and also the safe evacuation of such persons in the event of an emergency.

The Prevention of Public Nuisance:

The premises are aware of its responsibilities to its neighbours, local residents and the wider community.

During periods when amplified music is played, all windows and external doors will be kept closed to minimise disruption.

All staff have received training in relation to noise and the importance of good neighbourliness.

Notices have been placed at all exterior doors and the car park

reminding exiting customers of their responsibilities.

External drinking areas have a terminal hour of 23:00, no outside drinking is allowed after this time.

The Protection of Children from Harm:

Access for children to the premises is as follows:

Children up to age 8 years - 10:00 - 20:00 hours.

The premises has a comprehensive age policy and all staff have received training with regard to acceptable proof of age documentation.

An adult over the age of 21 must accompany all persons under the age of 18 years.

All staff have been trained in relation to offences, which may be committed under the Licensing Act 2003, in particular those relating to the sale and consumption of alcohol by persons under the age of 18 years.

2.6. Relevant Representations:

Responsible Authorities Representations

Environmental Health

See Appendix 3.

Interested Parties Representations

No representation.

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 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

- 7.43 *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.*

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

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

2.8. Officer's Report

The environmental health officer expresses concern that the hours sought may give rise to nuisance.

Some restrictions are proposed to alleviate any problems.

These should be given consideration along with any submission made by the applicant.

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

Aberdulais

Opening Hours - Standard Timings:

Monday - Sunday 10:00 - 01:00

Non-standard Timings:

An additional hour after non-standard finish timings for the supply of alcohol.

Films:

Monday - Sunday 10:00 - 00:00

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

From the standard start timing on 31st December to the standard finish timing on 1st January.

Live Music - times as above

Unamplified and amplified music provided by solo artists, duos or groups at various periods within the licensed hours.

Recorded Music - times as above

Amplified music throughout the premises at various periods within the licensed hours.

Facilities for Making Music - times as above

Karaoke or other musical equipment at various periods within the licensed hours.

Facilities for Dance - times as above

Occasional dancing by customers to accompany live or recorded music.

Late Night Refreshment:

Monday - Sunday 23:00 - 00:00

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences.

From the standard start timing on 31st December to the standard finish timing on 1st January.

Restrictions requested to be lifted:

Any restrictions placed on the licence by Schedule 8, Paragraph 6 (8) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol as varied by this application.

To remove any condition or restrictions limiting the times when alcohol can be sold or supplied or regulated entertainment and late night refreshment can be provided.

To remove the conditions attached to the Justices Licence relating to the premises.

To remove the provision for drinking up time.

3.4. Background Information

Provided by applicant:-

Bingo premises with ancillary facilities for the sale and consumption of alcohol, provision of entertainment and refreshments including food and non-alcoholic beverages.

3.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

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

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

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

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

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

Secretary of State's Guidance

Prevention of Nuisance

- 8.1 *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.*
- 8.2 *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.*

3.6. General - all four licensing objectives:

The licensing objectives have been carefully considered in the light of the proposed variation taking account of the premises and their location.

The proposed variation will not alter the style and operation of the premises.

The proposed variation will promote the licensing objectives in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation.

Details of any additional measures considered necessary to promote the licensing objectives are contained under the relevant objective below.

The Prevention of Crime & Disorder:

The crime and disorder objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the crime and disorder objective.

The proposed variation will promote the crime and disorder objective in accordance with the Section 182 Guidance.

The premises will continue to operate in accordance with all relevant legislation, which promotes the crime and disorder objective.

The premises will liaise and co-operate with the police and participate in any Pub Watch or other equivalent scheme.

A proof of age policy will operate in relation to relevant licensable activities.

A zero tolerance towards illegal drugs will operate at all times.

Any drinks promotions will not adversely affect the promotion of

responsible drinking.

Customers will be encouraged to leave the premises in a quiet and orderly manner.

Staff will be trained to observe the measures necessary to promote the crime and disorder objective.

A CCTV system will operate during the hours when licensable activities are provided.

Public Safety:

The public safety objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse affect on the public safety objective.

The proposed variation will promote the public safety objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation, which promotes the public safety objective including, but not limited to the Health & Safety At Work etc Act 1974 and associated regulations, the Food Safety Act 1990, the Fire Precautions (workplace) Regulations 1997 and the Disability Discrimination Act 1975.

The premises will liase and co-operate with the Responsible Authorities.

A zero tolerance towards illegal drugs will operate at all times. Any drinks promotions will not adversely affect the promotion of responsible drinking.

Customers will be encouraged to leave the premises in a quiet and orderly manner.

Staff will be trained to observe the measures necessary to promote the public safety objective.

The existing fire safety precautions will be retained and maintained.
A CCTV system will operate during the hours when licensable activities are provided.

The Prevention of Public Nuisance:

The public nuisance objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the public nuisance objective.

The proposed variation will promote the public nuisance objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the public nuisance objective including but not limited to the Environmental Protection Act 1990 and the Noise Act 1996.

The premises will liaise and co-operate with the Responsible Authorities.

Any drinks promotions will not adversely affect the promotion of responsible drinking.

Customers will be encouraged to leave the premises in a quiet and orderly manner.

Staff will be trained to observe the measures necessary to promote the public nuisance objective.

The premises will be adequately ventilated to prevent nuisance.

Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance.

Any noise from the licensable activities provided will be monitored in order to prevent nuisance.

A CCTV system will operate during the hours when licensable activities are provided.

The Protection of Children from Harm:

The protection of children objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the protection of children objective.

The proposed variation will promote the protection of children objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the protection of children objective.

The premises will liaise and co-operate with the responsible authorities.

A proof of age policy will operate in relation to the relevant licensable activities.

A zero tolerance towards illegal drugs will operate at all times. Staff will be trained to observe the measures necessary to promote the protection of children objective.

Only suitable entertainment will be provided when children are present.

No person under 18 shall be admitted to any part of the premises where adult entertainment is provided.

Any restrictions on the admission of children will be displayed outside the premises or relevant part thereof.

Non-alcoholic drinks will be available.

3.7. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 4.

Environmental Health

See Appendix 5.

Interested Parties Representations

No representations.

3.8. Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

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

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

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

8.6. *The licensing authority may at its discretion waive the requirement*

for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.

Secretary of State's Guidance

Prevention of Nuisance

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

3.9. Officer's Report

The police's only representation suggests that the drinking-up time be reduced to 30 minutes.

The environmental health officer raises concerns in respect of the prevention of public nuisance due to the hours sought and the location of the premises.

Consideration should be given to the recommendations of the environmental health officer along with any other measures deemed appropriate after hearing all representations/submissions.

4.0. 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

Neath.

An additional hour after the non - standard finish timings for the supply alcohol.

Films:

Monday to Sunday 08.00 - 02.00

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences. From the standard start timing on 31st December to the standard finish timing on 1st January.

Indoor Sports - times as above

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences. From the standard start timing on 31st December to the standard finish timing on 1st January.

Live Music - times as above

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences. From the standard start timing on 31st December to the standard finish timing on 1st January.

Recorded Music - times as above

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences. From the standard start timing on 31st December to the standard finish timing on 1st January.

Facilities for Making Music - times as above

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences. From the standard start timing on 31st December to the standard finish timing on 1st January.

Facilities for Dance - times as above

Non-standard Timings:

If applicable an additional hour to the standard and non-standard

timings on the day when British Summertime commences. From the standard start timing on 31st December to the standard finish timing on 1st January.

Late Night Refreshment:

Monday - Sunday 23.00 -02.00

Non-standard Timings:

If applicable an additional hour to the standard and non-standard timings on the day when British Summertime commences. From the standard start timing on 31st December to the standard finish timing on 1st January.

Restrictions requested to be lifted:

Any restrictions placed on the licence by schedule 6(8) of the Licensing Act 2003 other than the permitted hours for the sale of alcohol can be sold or supplied or regulated entertainment and late night refreshment can be provided. To remove the conditions attached to the justices Licence relating to the premises. To remove the provision for drinking up time.

4.4. Background Information

Provided by applicant:-

Snooker venue with ancillary facilities for the sale and consumption of alcohol, provision of entertainment and refreshments including food and non-alcoholic beverages.

4.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The licensing objectives have been carefully considered in the light of the proposed variation taking account of the premises and their location.

The proposed variation will not alter the style and operation of the premises.

The proposed variation will promote the licensing objectives in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation. Details of any additional measures considered necessary to promote the licensing objectives are contained under the relevant objective below.

The Prevention of Crime & Disorder:

The crime and disorder objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the crime and disorder objective.

The proposed variation will promote the crime and disorder objective in accordance with the Section 182 Guidance.

The premises will continue to operate in accordance with all relevant legislation which promotes the crime and disorder objective.

The premises will liaise and cooperate with the Police and participate in any Pub Watch or other equivalent scheme.

A proof of age policy will operate in relation to relevant licensable activities.

A zero tolerance towards illegal drugs will operate at all times.

Any drinks promotions will not adversely affect the promotion of responsible drinking.

Customers will be encouraged to leave the premises in a quiet orderly manner.

Staff will be trained to observe the measures necessary to promote the crime and disorder objective.

A CCTV system will operate during the hours when licensable activities are provided.

Public Safety:

The public safety objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse affect on the public safety objective.

The proposed variation will promote the public safety objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the public safety objective including, but not limited to, the Health & Safety at Work etc Act 1974 and associated regulations, the Food Safety Act 1990, the Fire Precautions (Workplace) Regulations 1997 and the Disability Discriminations Act 1975.

The premises will liase and cooperate with the Responsible Authorities.

The prevention of public nuisance:

The public nuisance objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the public nuisance objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the public nuisance objective including but not limited to the Environmental Protection Act 1990 and the Noise Act 1996. The premises will liase and cooperate with the Responsible Authorities.

Any drinks promotion will not adversely affect the promotion of responsible drinking.

Customers will be encouraged to leave the premises in a quiet and orderly manner.

Staff will be trained to observe the measures necessary to promote the public nuisance objective.

The premises will be adequately ventilated to prevent nuisance. Arrangements will be made for the storage and disposal of refuse which do not cause a nuisance.

Any noise from the licensable activities provided will be monitored in order to prevent nuisance.

A CCTV system will operate during the hours when licensable activities are provided.

The Protection of Children from Harm:

The protection of children objective has been considered in the light of the proposed variation.

The proposed variation will not alter the style and operation of the premises and will not have an adverse effect on the protection of children objective.

The proposed variation will promote the protection of children objective in accordance with the Section 182 Guidance.

The premises will operate in accordance with all relevant legislation which promotes the protection of children objective.

The premises will liaise and cooperate with the Responsible Authorities.

A proof of age policy will operate in relation to the relevant licensable activities.

A zero tolerance towards illegal drugs will operate at all times. Staff will be trained to observe the measures necessary to promote the protection of children objective.

Only suitable entertainment will be provided when children are present.

Any restrictions on the admission of children will be displayed

outside the premises or relevant part thereof.

Non-alcoholic drinks will be available.

4.6. Relevant Representations:

Responsible Authorities Representations

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

8.0 *Prevention of Public Nuisance*

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

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

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

8.6. *The licensing authority may at its discretion waive the requirement*

for a noise assessment where it can be demonstrated that the nature, type or location of the premises is such that the likelihood of nuisance arising is negligible.

Secretary of State's Guidance

Prevention of Nuisance

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

4.8. Officer's Report

The Environmental Health Officer expresses concerns about the hours sought, due to the location of the premise and the risk of public nuisance. Restrictions are proposed to alleviate these issues, and these should be considered along with any submissions made by the applicant.

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

Wards Affected

Neath North

Live Music:
Times as above.

Recorded Music:
Times as above.

Performance of Dance:
Times as above.

Activity like Music/Dance:
Times as above.

Facilities for Dancing:
Times as above.

Late Night Refreshment:
Times as above.

Supply of Alcohol:
Times as above.

Opening Hours - Standard Timings:
Monday - Sunday 09.00 - 01.30

The applicant is also seeking to remove the restrictions/conditions that result from the granting of the original licence under the Licensing Act 1964.

5.3. Background Information

Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - All Four Licensing Objectives:

Any person whose behaviour falls below the expected standard will be reported to the Committee with the intention of dealing appropriately with that person and maintaining standards. All staff will be trained as to their responsibilities under the Licensing Act, especially regarding under age sale, and sales to intoxicated persons.

Irresponsible sales promotions such as "two-for-one" or "pay for entry all you can drink for free" will not be undertaken.

The premises will be open to the public for 30 minutes after the last sale of alcohol, to allow a period for what is now referred to as "drinking-up" time.

Beyond the time when alcohol sales are permitted, no person will be allowed to remove alcohol from the premises, and off-licence sales will not be permitted.

The Prevention of Crime & Disorder:

Areas of the premises are supervised by bar staff from the servery areas and by members of the management themselves.

The premises has a discipline policy, and any customer whose behaviour falls below the required level may be suspended or excluded from the premises.

Any illegal activity will be reported to the Police and the fullest of co-operation will be given by Committee and staff.

To ensure gaming machines are in such a position that they can be supervised by staff.

All staff will request a proof of age identification from any person who appears to be under the age of eighteen years who attempts to buy or consume intoxicants.

There will be a regular collection of glasses and bottles.

The right to search a customer will be a condition of entry to the premises.

Public Safety:

The premises will comply with the requirements of the Fire Authority at any given time, in respect of procedure and equipment.

All emergency exits will be maintained and kept clear.

All safety equipment will be regularly tested, and a log will be kept of such tests for inspection.

Patrons of the premises are mainly of an older age group.

The premises will have fire safety equipment as per the requirements of the Fire Authority, and all Fire exits will be properly maintained, free from obstruction and marked in accordance with current best practice.

A regular risk assessment will be undertaken in respect of safety issues, and all staff will be instructed on safety and evacuation procedures in the event of an incident.

In the event of an incident, staff will cease all activities at the premises to supervise any whole or partial evacuation.

All fire and safety systems will be regularly tested, and a record of those tests will be kept on the premises for inspection.

The Prevention of Public Nuisance:

During the time of any musical entertainment, doors and windows will be kept closed to minimise noise pollution.

Customers will be reminded to be respectful of neighbours whilst leaving the premises, particularly late at night.

"Bottling Up" and waste disposal will not be carried out at the close of business, but the following day.

Any person whose behaviour is below the required standard will be requested to leave, if necessary with the assistance of the Police.

It will not be permitted to remove glass vessels from the premises, nor to remove alcohol from the premises beyond the time when alcohol is permitted to be sold. Any off sales will be in closed vessels.

The Protection of Children from Harm:

Children will be admitted to the premises, those under the age of 14 years must be accompanied by a responsible adult. The premises is a

predominantly food and sports orientated environment. A range of non-alcoholic drinks will be available for any young persons in the premises.

Proof of age will be required from any person who appears to be under the age of 21 years.

Proof of age will be by photographic drivers licence, passport or other official photographic I.D.

Any film will only be shown to an audience in compliance with the classification of that film.

5.4. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 7

Environmental Health

See Appendix 8

Interested Parties Representations

See Appendix 9.

5.5. Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

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

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

Secretary of State's Guidance

Prevention of Nuisance

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

late evening or early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise may also prove necessary to address any disturbance anticipated as customers enter and leave the premises and therefore, in the immediate vicinity of the premises.

5.6. Officer's Report

All representations relate to the prevention of public nuisance.

This includes both noise from the premises and also social disturbance from persons and traffic movements.

Members should consider the recommendations of the environmental health officer after hearing all personal representations and the submissions of the applicant.

5.7. 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

Sandfields East.

6.1. Application for Transitional Premises Licence

Ref.No.: 002520 Wards Gwynfi
Affected:
Premises Name: Tunnel Hotel
Premises Address: Gwynfi Street, Blaengwynfi, Port Talbot, SA13 3TY
Applicant Name: Mr Roderick Guy Johnstone McIntyre
Applicant Address: Tunnel Hotel, Gwynfi Street, Blaengwynfi, Port Talbot, SA13 3TY
DPS Name: Ms Edel Catherine Brigid Morgan
DPS Address: Tunnel Hotel, Gwynfi Street, Blaengwynfi, Port Talbot, SA13 3TY
Application Date: 04/08/2005

6.2. 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 10.00am - 11.00pm
Sunday Noon - 10.30pm
(on and off premises)

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

6.3. Variation Application

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

Supply of Alcohol:
Monday 11.00 - 24.00
Tuesday 11.00 - 24.00
Wednesday 11.00 - 24.00
Thursday 11.00 - 24.00
Friday 11.00 - 01.00
Saturday 11.00 - 01.30
Sunday 11.00 - 24.00

Christmas Eve 11.00 - 01.00
Christmas Day 11.00 - 01.00
Bank Holiday Sunday 12.00 - 01.00
Bank Holiday Monday 11.00 - 01.00

Opening Hours - Standard Timings:

Monday 11.00 - 00.30
Tuesday 11.00 - 00.30
Wednesday 11.00 - 00.30
Thursday 11.00 - 00.30
Friday 11.00 - 01.30
Saturday 11.00 - 02.00
Sunday 11.00 - 00.30
Non-standard Timings:

Christmas Eve 11.00 - 01.30
Christmas Day 11.00 - 01.30
Bank Holiday Sunday 12.00 - 01.30
Bank Holiday Monday 11.00 - 01.30

Films:

Monday 11.00 - 24.00
Tuesday 11.00 - 24.00
Wednesday 11.00 - 24.00
Thursday 11.00 - 24.00
Friday 11.00 - 24.00
Saturday 11.00 - 24.00
Sunday 11.00 - 24.00
Non-standard Timings:

Christmas Eve 11.00 - 01.00
Christmas Day 11.00 - 01.00
Bank Holiday Sunday 12.00 - 01.00
Bank Holiday Monday 11.00 - 01.00

Indoor Sports - times as above

Live Music - times as above

Recorded Music:

Monday 11.00 - 24.00
Tuesday 11.00 - 24.00

Wednesday 11.00 - 24.00
Thursday 11.00 - 24.00
Friday 11.00 - 01.00
Saturday 11.00 - 01.30
Sunday 11.00 - 24.00
Non-standard Timings:

Christmas Eve 11.00 - 01.00
Christmas Day 11.00 - 01.00
Bank Holiday Sunday 12.00 - 01.00
Bank Holiday Monday 11.00 - 01.00

Performance of Dance:
Monday 11.00 - 24.00
Tuesday 11.00 - 24.00
Wednesday 11.00 - 24.00
Thursday 11.00 - 24.00
Friday 11.00 - 01.00
Saturday 11.00 - 01.30
Sunday 11.00 - 24.00
Non-standard Timings:

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 23.00 - 01.00
Saturday 23.00 - 01.30
Sunday 23.00 - 00.00

6.4. Background Information

Provided by applicant:-

A Public Bar with two bars, a Games Room and a Beer Garden. Holding a Justices Licence for the sale of alcohol for consumption on or off the premises.

6.5. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The Prevention of Crime & Disorder:

Use of toughened glasses

Effective and responsible management of the premises.

Training of staff in the respect of age verification.

The prevention of underage people purchasing alcohol for consumption on or off the premises.

Public safety:

Use of toughened glasses.

Suitable training and supervision of those employed to secure the safety of customers on the premises.

Proof of regular testing of appliances and systems pertinent to safety.

The Prevention of Public Nuisance:

Steps taken to control the emission of noise. Systems in place to deal with disorder. Measure to be taken to ensure windows and doors kept closed when amplified music is being played.

Prominent signs requesting patrons to consider local residents.

Arrangements with local taxi firms not to use horns when arriving or leaving with patrons.

The Protection of Children from Harm:

To require proof of age, cards or other I.D where alcohol is sold.

6.6. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 10.

Environmental Health

See Appendix 11.

Interested Parties Representations

No representations.

6.7. Policy Considerations

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

Statement of Licensing Policy

- 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 *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.

(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.

7.0 Public Safety

7.5 *Certain types of premises, due to the nature of activities being provided, may give rise to a significant risk if occupancy numbers are not set. The council following representations will consider setting occupancy limits particularly in respect of the following types of premises:*

(i) night clubs/public houses providing regulated entertainment

(ii) theatres

(iii) cinemas

(iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.

7.6 *The council following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to*

minimise crime and disorder.

8.0 Prevention of Public Nuisance

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

Secretary of State's Guidance

Public Safety

- 7.34 *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.*

Prevention of 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.*

6.8. Officer's Report

The representations of the Police refer to issues of crime and disorder, public safety and prevention of public nuisance. Recommendations are made to deal with some of these matters.

The Environmental Health Officer makes representations in respect of prevention of public nuisance, and proposed measures to alleviate any problems.

Due consideration should be given to these representations as well as the applicants representations.

6.9. 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

Gwynfi