

LICENSING (2003 ACT) SUB COMMITTEE

30th September 2005

DIRECTORATE OF FINANCE AND CORPORATE SERVICES

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

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: LICAS-300905-REP-FS-CJ

SECTION A – MATTERS FOR DECISION		
Report Item	Page Nos	Wards Affected
1. Licensing Act 2003 Premises Licence Applications		
Ref.No.: 002519 Premises Name: Bar Gallois Premises Address: 130 Victoria Road, Port Talbot, West Glamorgan, SA12 6AY	2-8 Appendix 1	Sandfields East
Ref.No.: 002554 Premises Name: The Oxford Arms Premises Address: 104 Windsor Road, Neath, SA11 1LS	9-14 Appendix 2 & 3	Neath North
Ref.No.: 002608 Premises Name: Twelve Knights Hotel Premises Address: Margam Road, Port Talbot, West Glamorgan, SA13 2DB	15-21 Appendix 4	Margam
2. Licensing Act 2003 Club Licence Applications		
Ref.No.: 002428 Premises Name: Pontardawe Rugby Club Premises Address: Ynysderw Road, Pontardawe, Swansea, SA8 4EG	22-29 Appendix 5 & 6 &7	Pontardawe

1.1. Application for Transitional Premises Licence with variation

Ref.No.: 002519 Wards Sandfields East
Affected:

Premises Name: Bar Gallois
Premises Address: 130 Victoria Road, Port Talbot, West Glamorgan, SA12 6AY

Applicant Name: Mr Michael Parker
Applicant Address: The Towers, Ashleigh Terrace, Jersey Marine, Neath, SA10 6JL

DPS Name: Mr Michael Parker
DPS Address: The Towers, Ashleigh Terrace, Jersey Marine, Neath, SA10 6JL

Application Date: 04/08/2005

1.2 Conversion Application

The premises have traded as a public house for many years and are entitled to a premises licence for the sale of alcohol with the previous permitted hours becoming conditions of the new licence.

The relevant licensable activities are presently:-

The Sale of alcohol	Monday to Saturday	10.00am - 01.00am
Special Hours Certificate	Sunday (on and off premises)	Noon - 10.30pm

Public Entertainment Licence

Monday to Saturday	11.00am - 01.00am
Sunday (01.00am Bank Holiday except Easter)	Noon - 12.30am

Permitted Numbers	Function Room	280
	Lounge	150

Special Conditions

1. No entry/re entry 2 hours before end of permitted hours.
2. Premises shall ensure no excessive noise, inconvenience or nuisance to be caused to neighbouring residents in all areas under control of licensee.

1.3. Variation Application

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

Supply of Alcohol:

Monday – Sunday 11:00 02:00

Opening Hours:

Monday – Sunday 11:00 02:30

Live Music:

Monday – Sunday 11:00 02:00

Recorded Music:

Monday – Sunday 10:00 02:00

Provision of facilities for dancing:

Monday – Sunday 11:00 02:00

The applicant also seeks to remove the restriction of Section 77 Licensing Act 1964 which requires that alcohol is ancillary to dancing and substantial refreshment.

Also seeks to remove the condition no entry/re entry 2 hours before the end of permitted hours as specified in Public Entertainment Licence.

1.4 Background Information

Provided by applicant:

Bar & Function Room situated in Victoria Road

Ground Floor Bar & Restaurant seating 120

Ground Floor Function Room seating 150

Two outside drinking areas.

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 7 multiplex cameras, with a 14 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 has a transport policy and a local Taxi Company is recommended for use by the 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 fully comply with the requirements of the Fire Service having regard to alarms, fire fighting 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.

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 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.

The Protection of Children from Harm:

Access for children to the premises is as follows:

Children under 18 years - 1100 to 2200 - An adult over the age of 21 years must accompany all children under the age of 18 years.

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

Environmental Health

See Appendix 1

Interested Parties Representations

No Representations

1.7. Policy Considerations

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

Statement of Licensing Policy

- 8.3 *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 Environmental Health Officers representations are based on the hours sought, and the location of the premises, as it is considered that they will give rise to nuisance. He recommends that hours of operation are not extended and that the operation of outside drinking area is restricted.

Members should consider these representations along with any submissions made by the applicant.

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

Sandfields East

Opening Hours:
Monday to Thursday 10.00 - 12.30
Friday to Saturday 10.00 - 01.30
Sunday 10.00 - 12.00

Live Music:
Monday to Thursday 18.00 - 11.30
Friday to Sunday 10.00 - 11.30

Recorded Music:
Monday to Sunday 10.00 - 11.30

Facilities for Making Music:
Monday to Friday 10.00 - 11.30
Saturday 10.00 - 12.30
Sunday 10.00 - 11.30

Facilities for Dancing:
Monday to Sunday 18.00 - 11.30

Late Night Refreshment:
Monday to Sunday 23.00 - 00.30

1.13 Background Information

Provided by applicant:
The Oxford Arms is a two story building:-

Ground floor is the pub and first floor is my home its an old building with entrance on the corner of Windsor Road and back entrance on the side of King Street.

1.14. Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - All Four Licensing Objectives:

None.

The Prevention of Crime & Disorder:

All my staff are trained and responsible. Management are always on premises, we use CCTV and they are stored for 2 to 3 days.

Public Safety:

All our equipment are tested regularly with certificate. My staff are trained to secure the safety of the premises and the public CCTV cameras are in place and tapes are kept up to 3 days.

The Prevention of Public Nuisance:

Control the emission of noise I ensure that all doors and windows are kept closed to minimise the noise from the premises I do this from when the act comes on from 9 o'clock.

The Protection of Children from Harm:

Control of when children are allowed in the pub are taken place no children are allowed after 4.30pm. They got to be with an adult at all times. No-one under the age of 18 allowed to buy or drink alcohol.

My staff are trained to ask for valid I.D. cards such as Validate UK. No other form of I.D is acceptable.

1.15. Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 2.

Environmental Health

See Appendix 3.

1.16. Interested Parties Representations

No representations.

1.17. Policy Considerations

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

6.0 *Crime & Disorder*

6.6 *In addition to the requirements that the Council promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The council is required therefore to have particular*

regard to the likely impact of licensing on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule.

6.9 *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.

(ii) CCTV

The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The council may specify that a suitable system approved by the police and council, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV tapes should be kept for twenty-eight days and made available to the police and local authority officers at any time.

8.0 Prevention of Public Nuisance

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

Secretary of State's Guidance

Prevention of Nuisance

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

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

1.18 Officer's Report

Representations from the police relate to crime and disorder and prevention of public nuisance. Measures are proposed to deal with some of the concerns raised.

The environmental health officer expresses concerns in respect of prevention of public nuisance and makes recommendations to mitigate this.

Members should consider implementation of the requirements of the responsible authorities after hearing all representations and the applicants submission.

1.19 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.

1.20 Application for Transitional Premises Licence with variation

Ref.No.: 002608 Wards Margam
Affected:
Premises Name: Twelve Knights Hotel
Premises Margam Road, Port Talbot, SA13 2DB
Address:
Applicant Name: S A Brain & Co Ltd
Applicant The Cardiff Brewery, Crawshay Street, Cardiff, CF10 1SP
Address:
DPS Name: Mr Sherwin Clive Carr
DPS Address: Twelve Knights, Margam Road, Port Talbot, SA13 2DB
Application Date: 06/08/2005

1.21 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 Sunday Sunday (on and off premises)	10.00 - 23.00 Noon - 22.30
Special Hours Certificate (Function Room Only)	Thursday to Saturday	10:00 – 01:00
Supper Hour Certificate (Resturant Area Only)	Monday to Sunday	additional hour to normal licensing hours
Public Entertainment Licence: (Function Room Only)	Monday to Saturday	11.00 - 01.00

Permitted no 250

The above are subject to the provisions and restrictions of the Licensing Act 1964, the Local Government (Miscellaneous Provisions) Act 1982 and the standard conditions for places of public entertainment.

1.22 Variation Application

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

Supply of Alcohol:

Monday to Wednesday 10.00 - 23.00

Thursday to Saturday 10.00 - 23.00

Sunday 12.00- 23.00

Non-standard Timings:

Note function room hours to remain Monday to Saturday 10.00 to 01.00

Plus see below:

An additional hour every Friday, Saturday, Sunday and Monday for each May, Whitsun and August Bank Holiday weekend.

An additional hour every Thursday, Friday Saturday, Sunday, and Monday for each Easter Bank Holiday weekend.

An additional hour every Christmas Eve, Boxing Day, St Davids Day and St Patick's Day

When there is a Major Sporting or Entertainment event that shall be of the stature such as Rugby/Football World Cup Final, World Title Fights, British Lions Test Matches, Ryder Cup Golf, International Cricket or occasions such as the Oscars Ceremony and Live Aid in the Southern Hemisphere or an area with a time difference to open and serve alcohol 30 minutes before and 30 minutes after the event and co join the hours should they meet or overlap. Breakfasts teas and coffees will be available.

New Years Eve/Day hours to remain

Drinking-up time: an additional 10 minutes, to allow 30 minutes drinking up time after the last permitted sale of alcohol.

Opening Hours :

Monday to Wednesday 10.00 - 23.00

Thursday to Saturday 10.00 - 00.30

Sunday 12.00 - 23.30

Non-standard Timings:

As above

Films:

Monday to Wednesday 10.00 - 23.00

Thursday to Saturday 10.00 - 00.00
Sunday 12.00 - 23.00
Non-standard Timings:
As above

Indoor Sporting Events:
Monday to Wednesday 10.00 - 23.00
Thursday to Saturday 10.00 - 00.00
Sunday 10.00 - 23.00
Non-standard Timings:
As above

Live Music:
Monday to Wednesday 10.00 - 23.00
Thursday to Saturday 10.00 - 00.00
Sunday 12.00 - 23.00
Non-standard Timings:
As above

Recorded Music:
Monday to Wednesday 10.00 - 23.00
Thursday to Saturday 10.00 - 00.00
Sunday 12.00 - 23.00
Non-standard Timings:
As above

Facilities for Making Music:
Monday to Wednesday 10.00 - 23.00
Thursday to Saturday 10.00 - 00.00
Sunday 12.00 - 23.00
Non-standard Timings:
As above

Facility like Music/Dance:
Monday to Wednesday 10.00 - 23.00
Thursday to Saturday 10.00 - 00.00
Sunday 12.00 - 23.00
Non-standard Timings:
As above

1.23 Background Information

Provided by applicant:

A public house with one bar server serving bar area and dining area, a function room with its own bar server, eleven letting bedrooms, external patio with eight benches and large car park that could accommodate fifty plus cars.

1.24 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

The licensee reserves the right to move fire appliances and machines, cigarette machines and/or other similar objects which may adversely impact on the ability of individuals on the premises to use exits or escape routes.

The Prevention of Crime & Disorder:

Illumination is provided to the exterior areas.

CCTV in place to monitor trading areas and some car bays.

There is always a minimum of 2 staff on duty at any one time.

Burglar alarm system in place, with motion sensors and alarmed doors.

Drug prevention measures in place and signs displayed.

The licensee and staff monitor customer behaviour closely.

Public Safety:

Health and Safety policy and HACCP policy in place.

Equipped with emergency lighting, illuminated exit signs.

A fire alarm test is carried out weekly, fire extinguishers are serviced annually and there is a contract in place with chubb.

First Aider and first aid facilities on site at all times.

All staff hold basic food hygiene certificates.

50% of trading area is allocated as non-smoking.

Pest control contract in place with Ecolab.

The Prevention of Public Nuisance:

The pub is a detached property which assists in minimising transference of noise.

The placing of glass bottles into receptacles outside the premises is only permitted 09.00 to 16.00 to minimise disturbance to nearby properties and residents.

The premises has a waste collection contract with BIFFa who remove waste weekly.

Staff undertake a litter pick around the whole pub daily.

The Protection of Children from Harm:

Unaccompanied children are not permitted on premises.

No children under 16 are permitted after 21.00.

Children are permitted in the no smoking dining/lounge area only.

The AWP and cigarette machine are positioned away from children's allowed area.

The premises operates a proof of age policy that has been discussed with trading standards officers.

1.25 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 4.

Interested Parties Representations

No representations

1.26 Policy Considerations

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

Statement of Licensing Policy

8.0 *Prevention of Public Nuisance*

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

Secretary of State's Guidance

Prevention of Nuisance

- 7.41 *Conditions relating to noise nuisance will normally concern steps necessary to control the levels of noise emanating from premises, from simple mechanisms like ensuring that doors and windows are kept closed after a particular time in the evening to more sophisticated mechanisms like sound level inhibitors on amplification equipment or sound proofing. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of premises and the type of activities expected to take place there.*
- 7.42 *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.

1.27 Officer's Report

The police raise representations relating to the proposal to have special events at the discretion of the manager. Also the proposal to have extensions throughout the bank holiday weekends is considered to be likely to give rise to nuisance to nearby residential properties. These matters can be dealt with by restrictions and or attachment of appropriate conditions.

1.28 Recommendation

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

List of Background Papers

Application for Premises Licence

Officer Contact

J Sullivan Principal Officer Licensing
Tel (01639) 686326 email j.sullivan@npt.gov.uk

Ward Affected

Margam

1.31 Variation Application

Supply of Alcohol:

Monday - Sunday

07:00 01:30

Non-standard Timings:

The hours applied for would be a framework within which we would operate dependant upon membership requirements and particular events.

Films:

Monday - Sunday

07:00 01:00

Indoor Sports –

Times as above

Indoor games of darts and pool we occasionally host the finals for league competitions.

There could arise a requirement for a 24 hour event for charitable purposes.

Live Music:

Monday - Sunday

14:00 23:00

Non-standard Timings:

The timings stated would be a framework within which we could operate.

Recorded Music:

Monday - Sunday

14:00 00:30

Non-standard Timings:

If outdoor recorded music was planned e.g. in conjunction with a BBQ it would be terminated at 22:30 hours.

Performance of Dance:

Times as above

Indoors

Activity like Music/Dance:

Times as above

Karaoke

Indoors

Occasional event e.g. Tour Fundraising event or similar

Facilities for Dance:
Times as above
Indoors

Facility like Music/Dance - times as above

Quiz evenings; fund raising events.

Indoors

1.32 Background Information

Provided by applicant:

A modern style single story building built 1979 and located at the edge of Pontardawe in a mixed commercial/industrial and residential area. It provides bar and lounge facilities with a central bar servery; ladies and gents toilets; a kitchen and cellar. Externally there is a car park to the front and a large grassed garden area to the rear.

1.33 Promotion of Licensing Objectives

The following information has been provided by the applicant:

General - all four licensing objectives:

We will ensure that our current good housekeeping policies are actively maintained.

The Prevention of Crime & Disorder:

We are active members of the pub watch scheme.

We have use of a text-pager for immediate police contact.

We have an alarm system incorporating BT Red-Care which connects directly to police HQ.

We have a panic alarm button behind the bar.

Public Safety:

We hold public liability insurance (2,000000).

We have periodic inspections by Mid and West Wales Fire Authority.

We have annual inspections by NPT Environmental Health Officials.

We have an annual electrical checks (premises and PATS).

We have an annual gas safety check.

We carry out a monthly in-house check of the emergency lighting and have a maintenance log.

We would use safety glassware for outdoor use.

The Prevention of Public Nuisance:

We would ensure a responsible policy was followed in terms of the sale of alcoholic drink.

We would comply with the licence requirements in terms of noise reduction.

The Protection of Children from Harm:

Children under 16 years of age are to be under adult/parental control - by notice.

Children under 18 years of age are not allowed to play the bandit - by notice.

We have appointed a Welfare Officer to oversee the implementation of child protection and guidelines as stipulated by the Welsh Rugby Union.

1.34 Relevant Representations:

Responsible Authorities Representations

Police

See Appendix 5.

Environmental Health

See Appendix 6.

Interested Parties Representations

See Appendix 7.

1.35 Policy Considerations

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

Statement of Licensing Policy

6.0 *Crime & Disorder*

6.6 *In addition to the requirements that the Council promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The council is required therefore to have particular regard to the likely impact of licensing on crime and disorder. The nature or type of premises, its location, the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule.*

6.9 *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.

(ii) CCTV

The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The council may specify that a suitable system approved by the police and council, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV tapes should be kept for twenty-eight days and made available to the police and local authority officers at any time.

8.0 Prevention of Public Nuisance

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

Secretary of State's Guidance

7.0 Prevention of Nuisance

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

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

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

1.42 Officer's Report

The police representations refer to crime and disorder public safety and prevention of public nuisance.

Various measures are proposed to deal with some of the concerns expressed.

The Environmental Health Officer refers to issues in respect of prevention of public nuisance.

Concerns are also raised by residents in the area with regard to social disturbance and anti-social behaviour.

All these matters should be taken into account by members as well as any submissions made by the applicant.

1.43 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, Principle Officer Licencing

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

Wards Affected

Pontardawe