

**LICENSING (2003 ACT) SUB COMMITTEE**

**31st August 2005**

**DIRECTORATE OF FINANCE AND CORPORATE SERVICES**

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

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Ref.No.: 001867 Premises Name: The Old Swan Inn Premises Address: Old Swan Inn, 58 Gurnos Road, Ystalyfera, Swansea, SA9 2HY	<b>9-15</b>	Ystalyfera

**1.1. Licence Application for Transitional Premises Licence**

Ref.No.: 001907 Wards Briton Ferry East  
Affected:  
Premises Name: The New Dock  
Premises 2a Villiers Street, Briton Ferry, Neath, SA11 2DZ  
Address:  
Applicant Name: Mr Michael Donohoe, Mr Edward, H Rogers  
Applicant The New Dock, 2a Villiers Street, Briton Ferry, Neath, SA11  
Address: 2DZ  
DPS Name: Miss Kim Evans  
DPS Address: The New Dock, 2a Villiers Street, Briton Ferry, Neath, SA11  
2DZ  
Application 06/07/2005  
Date:

**1.2. Conversion Application**

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

The Sale of alcohol	Monday to Saturday	10.00 - 23.00
	Sunday	Noon - 22.30
	(on and off premises)	

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

**1.3. Variation Application**

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

Supply of Alcohol:  
Monday to Sunday 07:00 04:00

Opening Hours:  
Monday to Sunday 07:00 04:00

Films:  
Monday to Sunday 07:00 04:00

Indoor Sports - times as above

To permit pub games that attract an audience, whether by advertisement or spontaneously i.e. darts/pool competitions.

Live Music:

Monday to Sunday 12:00 00:00

Recorded Music - times as above

Non-standard timings

New Years Eve - 12:00 02:00

Performance of Dance - times as above

Non-standard timings

New Years Eve - as above

Activity like Music/Dance - times as above

Facilities for Making Music - times as above

Non standard timings

New Years Eve – as above

Facilities for Dance - times as above

Non standard timings

New Years Eve – as above

Late Night Refreshment:

Monday to Sunday 23:00 04:00

The applicant also seeks to remove the embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933.

#### **1.4. Background Information**

This premises is a public house with trade areas, bar, lounge, function rooms to the top floor, all with toilets and serving areas. The bar and lounge are situated at ground floor and there is an outside area for customers. The premises is situated at the end of a residential area, with the main road running alongside. The premises also has a kitchen area to the top floor.

#### **1.5. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives

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

The Prevention of Crime & Disorder

Providing a 30 minute extension of opening hours after the end of the sale of alcohol will promote this objective, as the last drink will be consumed less quickly, with access to the pub toilet facilities.

Not less than five working days written notice will be provided to police when 'event days' are planned.

Public Safety

Any party bookings will be limited to stop any risk of overcrowding. On event days, door control on doors to stop any overcrowding. Also the use of plastic glasses in patio area.

We also have a drugs policy and do not hold happy hours which would cause binge drinking.

The Prevention of Public Nuisance

Music will end at 00.00.

All windows will be kept closed after 22:00.

Bottle bins will be emptied on morning shifts only.

The Protection of Children from Harm

The restrictions set out in the Licensing Act 2003 will apply.

No unusual risks of harm to children have been identified.

No alcohol to under 18's.

Area set aside for non-smoking.

## **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

#### **6.0 *Crime & Disorder***

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

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

#### *(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.*

## **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 *“Safe capacities” should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a fire certificate for certain premises includes certain conditions, it would be unnecessary to reproduce them in a premises licence. Indeed, it would be wrong to lay down conditions which produce conflict with other legal requirements. However, if the fire certificate has been granted for premises when their future use for a licensable activity was not known, the fire authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. In considering the representations, licensing authorities should give particular weight to those made by the fire authority in such circumstances. Capacities attached to premises licences or club premises certificates may in certain circumstances be necessary in preventing disorder, as overcrowded venues can increase the risks of disorder as crowds become frustrated and hostile.*

#### **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.*

#### **1.8. Officer's Report**

The representations relate to the potential for issues in respect of crime and disorder and prevention of public nuisance due to the hours requested.

Some of these matters can be addressed by appropriate conditions. However, the critical issue is one of social disturbance as the area is almost totally residential and therefore any form of disturbance is likely to be intrusive.

#### **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**

Briton Ferry East



## **2.1. Licence Application for Transitional Premises Licence**

Ref.No.: 001867 Wards Ystalyfera  
Affected:  
Premises Name: The Old Swan Inn  
Premises Address: Old Swan Inn, 58 Gurnos Road, Ystalyfera, Swansea, SA9 2HY  
Applicant Name: Mr Hywel Alfred Wyn Evans  
Applicant Address: Old Swan Inn, 58 Gurnos Road, Ystalyfera, Swansea, SA9 2HY  
DPS Name: Mr Hywel Alfred Wyn Evans  
DPS Address: Old Swan Inn, 58 Gurnos Road, Ystalyfera, Swansea, SA9 2HY  
Application Date: 05/07/2005

## **2.2. 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 Sale of alcohol	Monday to Saturday	10.00 - 23.00
	Sunday	Noon - 22.30
	(on and off premises)	

The relevant licensable activities are presently:-

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

## **2.3. Variation Application**

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

Supply of Alcohol:

Monday to Sunday 08:00 02:00

Seasonal Variations:

Beer gardens and patio areas only used in summer weather.

Non-standard Timings:

All beer gardens and patio areas to close at 22:30 hours.

Also may want to provide smoking area in future depending on new laws.

Opening Hours:

Monday to Sunday 08:00 02:30

Films:

Monday to Sunday 10:00 23:00

Indoor Sporting Events:

Monday to Sunday 12:00 00:00

Live Music - times as above

Recorded Music:

Monday to Sunday 10:00 02:00

Activity like Music/Dance:

Monday to Sunday 12:00 00:00

Facilities for Dance – 12.00 – 02.00

Late Night Refreshment:

Monday to Sunday 23:00 01:00

#### **2.4. Background Information**

The premises are a public House. This comprises one room open plan with beer garden (to rear) and small patio areas to rear and front of the premises.

#### **2.5. Promotion of Licensing Objectives**

The following information has been provided by the applicant:

General - all four licensing objectives

The premises will, as always in the past, run in a fit and proper manner.

All staff to be trained in drug and criminal detection.

Members of the pubwatch scheme.

The Prevention of Crime & Disorder

Effective management on duty at all times.

Train staff to detect the criminal element and drug dealers.

Make sure that no underage drinking occurs.

Adequate staffing at all times.

### Public Safety

Ensure that all emergency exits are clear of all obstructions.

No overcrowding.

CCTV to monitor in the premises.

Toughened glasses and plastic glasses in garden & patio areas.

### The Prevention of Public Nuisance

Ensure patrons leave the pub in a quiet mode.

Taxis to be told not to keep motor running whilst waiting for patrons and no sounding of horns.

Refuse and bottles are stored and disposed of.

Kitchen waste kept in appropriate containers until disposed of.

### The Protection of Children from Harm

Proof of age where there is reasonable doubt.

Staff made aware of the Sale of Tobacco and Alcohol to Children's Act.

All children must be accompanied by an adult if under the age of 14.

All young children must vacate the premises before 19:00 hours.

## **2.6. Relevant Representations:**

### **Responsible Authorities Representations**

#### Police

See Appendix 3.

#### Environmental Health

See Appendix 4.

## **Interested Parties Representations**

No representations.

### **2.7. Policy Considerations**

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

#### **Statement of Licensing Policy**

- 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.*

*(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.*

*(iii) Glasses/Bottles*

*Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of toughened drinking vessels and plastic bottles should be considered. Where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events, toughened or plastic vessels should be used.*

*8.0 Prevention of Public Nuisance*

*8.3. 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

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- 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.*

## **2.8. Officer's Report**

The representations express concerns in respect of crime and disorder and prevention of public nuisance.

It is submitted that in respect of the public nuisance issues from amplified music, these could be addressed by appropriate conditions. With regard to the crime and disorder, relevant conditions can also be considered in respect of occupant capacity door supervisors and use of the beer gardens etc. However, because of the location of the premises in a mixed commercial residential area, a significant factor is the potential for social disturbance and members will need to consider whether the hours of operation are appropriate for this area.

## **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**

Ystalyfera