

Public

Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd

Democratic Services
Gwasanaethau Democrataidd

Chief Executive: K.Jones

Date: 27th January 2023

Dear Member,

**LICENSING AND GAMBLING ACTS SUB COMMITTEE - MONDAY, 30TH
JANUARY, 2023**

Please find attached the following supplement items for consideration at the next meeting of the **Licensing and Gambling Acts Sub Committee - Monday, 30th January, 2023.**

Item

5. **Supplementary items - Appendix 1, 2 and 3 (Pages 1 - 10)**

Yours sincerely

S.McCluskie

p.p Chief Executive

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Agenda Item 5

From: [Matthew Phipps](#)

Sent:

To: [Gareth Liley](#); [Rachel Matthews](#)

Cc: _____

Subject: Otherplace - Noise conditions

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Dear Officers

Further to our discussions and the adjourned hearing in respect of the Other place I thought it would be helpful to try to set out some conditions that attend to the concerns previously articulated (and discussed) to help resolve the outstanding elements between us.

My understanding is that such entertainment as has been conducted across the Christmas and New Year period (indeed including the weeks before the last aborted hearing) has been conducted satisfactorily. We can provide a schedule of events and activities, timings and nature of activities if helpful. In simple form the front bar has continued to operate with entertainment each weekend (both Friday and Saturday), the back bar has not.

We don't believe there is any fair reason to prohibit entertainment (the much smaller room) in this front bar.

In so far as the back bar is concerned we recognise that needs to be restricted, proportionately. In its simplest form this is intended to allow the operators to have some entertainment, albeit not at either the volume of occasions per week/month/ year as currently permitted (predominantly under the de-regulation exemptions) and to address the sound levels produced and managed in respect of occasions when activities are conducted. We suggest one event occasion, per month, on either a Friday or a Saturday. Between 7-30 and 10-30pm only. Such events not to be on the same weekend. The only issue with that is the month of December. We would ask for two event days in December and those may be on consecutive weekends. I am not going to provide a lengthy explanation for that here, (but can do if required), I am hoping that December rather speaks for itself.

I have tried to keep the wording proposed in the application as much as possible, but obviously there are some changes from the conditions first proposed.

Breaking this down simply we say, I hope obviously, the following:

- Some entertainment is legitimate, albeit moderated by occasion and levels.
- Outdoor activity to be permitted, albeit limited and in line with the town's regular special occasion days.
- Dialogue with residents to be improved in both tone and frequency to allow for a transparent and improved relationship which has already begun: ahead of New Year's Eve, we prepared and distributed to all our neighbours a note which alerted them to the fact we would have entertainment until 12.30. We received no complaints that evening.
- Record keeping to attend to the transparency point above to be improved. Probably obviously if and/or when we undertake remedial works we would be inviting you back to the premises as I presume that the levels could and should be increased as certain works are undertaken. Probably obviously it seems to me very much to all our collective advantage to effectively incentivise us to undertake the works, so I am hoping that this is not contentious.

In passing we should add, the historic manager of the business has now left.

The Prevention of Public Nuisance

External

- There shall be no external amplified sound in the external areas of the premises, including the beer garden and car park, have for one event weekend per annum, anticipated to be the

Pontadawe festival weekend

- 28 days' notice of the event and activities will be provided to the Environmental Health team at Neath and Port Talbot Council
- 28 days' notice of the event and activities will be provided to the all residents within an agreed number of yards of the premise
- An agreed schedule of households within the vicinity of the site (to be agreed with the Local Authority) shall be provided to ensure all appropriate properties are identified and notified

We believe there are other weekend events (over and above the festival weekend) where pubs in the town do put on outdoor activities, we will revert on those once we have an established track record of compliance.

Internal

- There shall be no entertainment whether regulated or within the auspices of the Live Music Act de-regulation in the form of live or recorded music at the premises top bar until such time that the licence holder and/or owner of the premises commissions an independent acoustic consultant to undertake a Noise Impact Assessment and the recommended control measures contained within the assessment are implemented.
- A copy of the Noise Impact Assessment along with supporting evidence that the requirements have been complied with shall be provided to the Local Authority for written approval prior to the commencement of regulated entertainment.
- To comply with the above the following criteria must be met;
 - The report must be carried out by an acoustic consultant who shall be a member of the Association of Noise Consultants and a member of the Institute of Acoustics.
 - The methodology for the noise assessment shall accord with current UK guidance and British Standards and agreed with the Local Authority in advance of the assessment commencing.
 - Prior to implementation of the control measures the Local Authority shall be given the opportunity to review and comment on the Noise Impact Assessment and its recommendations.
 - The Premises Licence Holder or a nominated person shall carry out proactive noise observations outside the premises at least once an hour during the provision of regulated entertainment, and take any necessary remedial action.

All of which has been undertaken.

- Entertainment shall be permitted in line with the Noise impact assessment (thereby allowing for more entertainment as more works are undertaken to attenuate the building)
- A written record of proactive external noise assessments and, where applicable, remedial actions taken shall be kept for a minimum of 31 days from the date of the last entry in the record and this record shall be available for inspection on demand by authorised council officers at all times the premises are open.
- Once the Noise Impact Assessment has been submitted and approved by the Officers in The Environmental Health Team: Speakers shall not be located in the entrance and exit of the premises, or outside the building (save as permitted above).
- All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Noise Management Plan

- A Noise Management Plan shall be submitted for examination and approval by the Officers of the Local Authority. Thereafter, the approved "Noise Management Plan" shall be observed and complied with in full. The "Noise Management Plan" shall include the following elements:
 - (i) Shall clearly define the measures to be taken to achieve (e.g. sound propagation, calculation, mapping or similar), and ensure compliance (e.g. monitoring)

- locations/observations) with the "Music Noise Level".
- (ii) Shall also provide details of how the premises licence holder propose to ensure that noise conditions across the site are complied with.
 - (iii) It is not expected that the ambient noise levels will alter year after year and so would only require that the applicant's Acoustic Consultant carry out a further ambient noise assessment in the event of a significant change to the local noise environment.
 - (iv) Shall clearly define the noise monitoring arrangements and locations to be monitored, to determine compliance with the licensing objectives.
 - (v) Shall consider other sensitive activities that may be affected by the event(s).
 - (vi) Shall clearly define the arrangements to secure compliance with the Licensing Objectives throughout the event and the organisational management to secure the same.
 - (vii) Where/if the music is perceived to have escaped inappropriately, details of corrective action shall be appropriately documented.
 - (viii) Shall clearly define the arrangements for receiving and responding to complaints from the community about noise and other issues associated with the build-up and clearance of the site infrastructure and the event itself.
 - (ix) All complaints shall be documented with the date and time of receipt, contact details for the complainant, details of the person receiving the complaint, details of the complaint, details of the investigation made and the date and time of any feedback given to the complainant.
 - (x) An agreed schedule of households within the vicinity of the site (to be agreed with the Local Authority) shall be provided with details of how to make a complaint about event related noise.
 - (xi) The Premises License Holder shall ensure that any Performer is informed of the noise conditions contained within the licence and that they will be required to comply with any instructions given to them by the Premises License Holder or the employed Acoustic Consultant.
 - (xii) Allow for authorised, named, Local Authority employees to access any area of the site where a main sound system may be operable, to conduct noise monitoring if it is deemed necessary and safe.

Residents

- An agreed schedule of households within the vicinity of the site (to be agreed with the Local Authority) shall be provided with a request to attend a resident meeting twice a year being made to each such household. (Suggest this via N&PT in the first instance(s))

Dispersal

- A dispersal policy shall be submitted by the Premises Licence Holder to and agreed by the Licensing Authority so as to manage departure of customers from the premises
- Such dispersal policy will specifically address entertainment events

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Hi Mathew,

Apologies for the delay and not getting an email to you yesterday.

As requested, some key points from the meeting yesterday:

(for clarity, we refer to the 'front room/bar' as the smaller of the two rooms and the area that does not cause us as much concern, and the 'back room/bar' as the problematic area due to its poor ability to contain sound.)

- Officers have previously suggested the use of the smaller front bar to be used until such time a solution is found to improve the sound insulation ability for the top/rear bar room; however operators of the premises at the time stated that it would not be possible.

It is likely that due to the structure of the front building, greater sound attenuation can be achieved if simple control measures are in place e.g. volume control, windows/doors to remain closed etc.

With the implementation of a noise management plan we agree that entertainment could be delivered in the bottom/front bar without causing concern.

- If we are to consider any form of entertainment continuing in the rear room, a clear understanding must be had what mitigation will be in place; implementing no mitigation at all is not an option in our view. We would deem it unacceptable to have two events per calendar month at volumes previously witnessed.

As compromise, we would suggest that any entertainment in the rear bar be limited to 19:00 and 22:00; must be provided through a sound limiter set at an agreed level; and only one event to take place per calendar month with a minimum of two weekends separation.

- Although unable to request it as a condition of the licence, we request that a notification in writing is submitted confirming that it is not the intention of the operators to utilise TEN's to overcome the agreed restrictions both internally and externally.
- We would also request that it is put in writing that the change in management is anticipated to be a permanent change, and it is not intended for the previous manager to return.
- We would suggest that the notification of events should extend slightly beyond 100 yards. All properties on Francis Street should be notified, and all properties up to 36 on Ynysderw Road. (Highlighted area below).



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Dear Gareth and Rachel

Thank you very much for pick up with me on Tuesday. I think I had in mind that you were going to write back to me with proposed finesses and/or amends to my proposed schedule of conditions, but it may be that you think I was to write back to you? With the hearing on Monday, I am obviously keen to make sure that we progress this as much as we can before Friday, so whatever the right position is hopefully the following is helpful.

Management

I can confirm that the historic manager has gone, has nothing now to do with the premises has in fact, we believe become a lorry driver. In legal terms he has been given is P45 (quite literally!) and so I am in a position to confirm his departure, here and we can then perhaps discuss a form of wording that you would like to see in formal correspondence (if more than this is required) later this week.

Temporary event notices

I am happy to confirm that the client will not be seeking to apply for temporary event notices if a permission subsists for entertainment within the front and back bars (as we are now calling them). The only caveat that I would add to that is that you will see that we have sought to restrict our outside operations to no more than one occasion per year namely the well-known festival weekend. The client has fed back to me that there are likely additional days of the year when there may be activities conducted across a number of public houses and/or other premises within the town where some form of external facility is anticipated. If it's happening across the town then that is something we will (probably obviously) want to take advantage of.

Therefore, although I am happy to confirm there will be no temporary event notices for the interior of the public house (subject to agreement) can I respectfully flag that we may (I put it now stronger than that) want to submit up to two additional temporary event notices for external town-based activities. For clarity's sake, although obvious, we acknowledge your right to object to those applications if and/or when submitted.

We are not aware of any similar occasions such as the festival at any other time of the year. It may be useful for the operators to clarify what occasions they have in mind? I suspect they are thinking of bank holidays, but on those occasions the premises are acting completely independent from each other; there is no suggestion that on those occasions that it is a town wide event.

In our opinion, your original proposal where you suggested one external event a year until such time it is demonstrated that events can be provided without causing concern would be the preferred way to proceed. Once a satisfactory record has been established, then we may be in a better position to consider submitted TENs.

In terms of the back bar, we are agreeable to a once-a-month permission and for that permission not to be on consecutive weekends.

The only issue with that is the month of December. We would ask for two event days in December and those may be on consecutive weekends. I am not going to provide a lengthy explanation for that here, (but can do if required), I am hoping that December rather speaks for itself.

We would be willing to agree to this suggestion, on the basis that all entertainment is subject to the agreed management plan, and delivered via the noise limiter; and entertainment will not be on consecutive days.

In terms of the noise limiter, this can also be agreed. I have not sought to re-read the acoustic report this morning, but would be grateful if you could confirm the level at which that noise limiter should be set in the back bar.

I have attached a copy of the relevant table within the noise report, detailing the internal levels which are appropriate depending on the level of works undertaken

Table 13: Effect of Different Mitigation Approaches

Mitigation Approach	Noise Control Measures Undertaken	Predicted External Level	Maximum Indoor Level*
A1	All listed in Initial Report	47 dB	57 dBA
None	None	45 dB	77 dBA*
1	Blocking up Windows and Vents Only	45 dB	61 dBA
2	Blocking up Windows and Vents Only + Upgrading All Lobby and External Doors	45 dB	61 dBA
3	Blocking up Windows and Vents Only + Upgrading All Lobby and External Doors + Proposed Roof/Ceiling Upgrade	45 dB	65 dBA
4a	Blocking up Windows and Vents Only + Upgrading All Lobby and External Doors + Proposed Roof/Ceiling Upgrade + Proposed West & South Wall Linings	45 dB	66 dBA
4b	Blocking up Windows and Vents Only + Upgrading All Lobby and External Doors + Proposed Roof/Ceiling Upgrade + All Proposed Wall Linings	45 dB	67 dBA
5	Blocking up Windows and Vents Only + Upgrading All Lobby and External Doors + All Proposed Wall Linings (i.e., No Roof/Ceiling Upgrade)	45 dB	63 dBA

* The maximum indoor level is subject to further assessment.

Probably obviously if and/or when we undertake remedial works (likely some rather than all) we would be inviting you back to the premises as I presume that the levels could and should be increased as certain works are undertaken. Probably obviously it seems to me very much to all our collective advantage to effectively incentivise us to undertake the works, so I am hoping that this is not contentious.

I think the final point that you made on the call is that rather than 100 yard or similar radius for dialogue with residents the list of appropriate houses with whom to engage will extend beyond that. I don't see that is going to be any issue between us.

I have not revised my conditions template, but I have sought to raise all the issues that I think we discussed on the call. Please can I ask (it maybe that you are already underway with this) if you would be so kind as to reply to my email making changes in red on the conditions document so that I can speak to my client and get authority/approval.

In terms of Monday, where I think we are planning to get to (I appreciate that this conversation is without prejudice) is for the review to be agreed in all but name. The committee's discretion will still, of course, be live but I would be astonished if the committee where anything other than delighted that we have made good progress since the adjournment. Is that your view?

I did have a brief conversation with Peter (Licensing) questioning whether you would need to attend in the event of an agreement being reached. He advised that due to the residents representations, and the unlikelihood of an agreement being reached with them (largely due to time constraints and getting the information to them) it is likely the hearing would go ahead in full.

But I do agree, I think the members will be pleased with the progress and they will recognise that the content of our conversations has significantly changed and improved.

Look forward to hearing from you.

Best wishes.

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