

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

**Democratic Services  
Gwasanaethau Democrataidd**

**Chief Executive:** K.Jones

**Date:** 30 January 2023

Dear Member,

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

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

**Item**

6. **Supplement - Noise Conditions (Pages 3 - 6)**

Yours sincerely

Tammie Davies

p.p Chief Executive

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## **Environmental Health Licence Review Proposed Conditions**

Licence review application made by Environmental Health and in that application the following conditions were proposed:

### **Condition**

By virtue of S177 (A) the Licensing Act 2003 the conditions of the Premises Licence relating to regulated entertainment shall be in force between 8.00 hours and 23.00 hours.

### **Condition**

There shall be no regulated entertainment in the form of live or recorded music at the premises 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.

### **Condition**

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.

### **Condition**

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.

### **Condition**

Speakers shall not be located in the entrance and exit of the premises, or outside the building (save as referenced above).

## Condition 6

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.

1. 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 Pontardawe festival weekend. 18.00 to 23.00 Friday; 13.00 to 23.00 Saturday and 13.00 to 23.00 Sunday, or the terminal hour of the festival, whichever is the earlier)
2. 28 days' notice of the event and activities will be provided to both the Environmental Health and Licensing teams at Neath and Port Talbot Council.
3. 28 days' notice of the event and activities will be provided to the all residents within the immediate vicinity, to include all properties on Francis Street, and all properties up to and including 36 Ynysderw Road.
4. 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 front 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.
5. 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.
6. Entertainment shall be permitted in line with the Noise impact assessment. All entertainment in the back bar is subject to the agreed Noise Management Plan, and delivered via the noise limiter set at an agreed level.
7. Entertainment must take place between the hours of 19:00 and 22:30; and only **one event** to take place per calendar month. No events shall occur on consecutive weekends with the

exception of the month of December, where **two events** will be permitted to take place, but not on consecutive days.

8. 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.
9. 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**

10. A Noise Management Plan, one each for the front and back bars, 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 control measures stipulated within the management plan shall be implemented at all times whilst the premises is operating with entertainment. 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 agreed "Music Noise Level" within the premises.
  - (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) 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.

#### **Dispersal**

11. A dispersal policy, to include measures to control noise, 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.