



IS-BWYLLGOR DEDDFAU TRWYDDEDU A GAMBLO

10.00 AM - DYDD LLUN, 14 TACHWEDD 2022

**CYFARFOD AML-LEOLIAD - SIAMBR Y CYNGOR PORT, TALBOT A
MICROSOFT TEAMS**

Gweddarlledu/Cyfarfodydd Hybrid:

Gellir ffilmio'r cyfarfod hwn i'w ddarlledu'n fyw neu'n ddiweddarach drwy wefan y cyngor. Drwy gymryd rhan, rydych yn cytuno i gael eich ffilmio ac i'r delweddau a'r recordiadau sain hynny gael eu defnyddio at ddibenion gweddarlledu a/neu hyfforddiant o bosib.

1. Cyhoeddiad y Cadeirydd
2. Datganiadau o fuddiannau
3. Eitemau brys
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ol disgresiwn y Cadeirydd yn unol ag Adran 100B (4) (b) o Ddeddf Llywodraeth Leol 1972.

Adroddiad gan Bennaeth y Gwasanaethau Cyfreithiol

4. Cais am Gymeradwyo Trwydded Mangre - Murphys Main Stage
(*Tudalennau 3 - 18*)
5. cais am adolygu trwydded safle- Other Place (Live Lounge)
(*Tudalennau 19 - 90*)

K.Jones
Prif Weithredwr

Aelodaeth y Pwyllgor:

Cadeirydd: J.Henton

Aelodau: Cynghorwyr S.Paddison

Rhodder: Cynghorwyr A.Dacey

c.c. Superintendent of Police, Neath
Chief Fire Officer, Neath

NEATH PORT TALBOT COUNCIL

Licensing and Gambling Acts Sub Committee

14th November 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Port Talbot

Application for the Grant of a Premises Licence

Purpose of the Report

1. To consider representations received in respect of the following application made under the Licensing Act 2003.

Premises Name	Murphy's Main Stage
Premises Address	18 Station Road, Port Talbot, SA13 1JB
Applicant Name's	Phillip Murphy
Applicant Address	18 Station Road, Port Talbot, SA13 1JB
DPS Name	Phillip Murphy

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Phillip Murphy. The premises licence will authorise the sale of alcohol, regulated entertainment and late night refreshment.
3. Representations were received in respect of the application from South Wales Police and the Legal Regulatory Service requesting that additional conditions be attached to the licence.
4. The applicant has agreed to the imposition of the additional conditions and consequently all parties agree that a hearing is unnecessary; final determination of the application needs to be made by the Licensing and Gambling Acts Sub Committee.

Background

5. The Licensing Act 2003 requires that any person wishing to provide licensable activities obtains a premises licence from the Licensing Section.
6. An application for the grant of a premises licence must be advertised in the prescribed manner and allows "Responsible Authorities" or "Other Persons" to submit representations in respect of the application.
7. Where all parties have reached an agreement and amendments have been made to the original application, the Licensing Authority can dispense with the need for a formal hearing; a meeting of the Sub-Committee is still required to consider the amendments.

Licence Application

8. The applicant has included the following information in the application outlining the requested hours of operation and details on how the applicant proposes to promote the 4 licensing objectives.

Opening Hours

9. Sunday – Wednesday 08.00 – 01.00
10. Thursday - Saturday 08.00 - 02.00
11. Non Standard Timings

12. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 08.00 - 02.00

Supply of Alcohol (On and Off Sales)

13. Sunday – Wednesday 08.00 – 01.00
14. Thursday - Saturday 08.00 - 02.00
15. Non Standard Timings
16. Alcohol will be served up until half hour before the end of opening which times I have stated. The system wouldn't let me input the half hour time. Sunday - Wednesday 08.00- 12.30, Thursday-Saturday 08.00-01.30.

Films

17. Sunday – Wednesday 08.00 – 01.00
18. Thursday - Saturday 08.00 - 02.00
19. Non Standard Timings
20. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 08.00 - 02.00

Indoor Sporting Events

21. Sunday – Wednesday 08.00 – 01.00
22. Thursday - Saturday 08.00 - 02.00
23. Non Standard Timings
24. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 08.00 - 02.00

Boxing and Wrestling

25. Sunday – Wednesday 08.00 – 01.00
26. Thursday - Saturday 08.00 - 02.00
27. Non Standard Timings

28. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 08.00 - 02.00

Live Music

29. Sunday – Wednesday 12.00 – 01.00
30. Thursday - Saturday 12.00 - 02.00
31. Non Standard Timings
32. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 08.00 - 02.00

Recorded Music

33. Sunday – Wednesday 10.00 – 01.00
34. Thursday - Saturday 10.00 - 02.00
35. Non Standard Timings
36. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 08.00 - 02.00

Performance of Dance

37. Sunday – Wednesday 10.00 – 01.00
38. Thursday - Saturday 10.00 - 02.00
39. Non Standard Timings
40. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 08.00 - 02.00

Late Night Refreshment

41. Sunday – Wednesday 23.00 – 01.00
42. Thursday - Saturday 23.00 - 02.00
43. Non Standard Timings

44. The Sunday preceding any bank holiday, Christmas eve, Boxing day and good Friday 23.00 - 02.00

Licensing Objectives

45. The following information has been provided by the applicant.

General

46. Regular discussions with council officers about how we manage our objectives and any new regulations we need to be aware of. Look to get all staff that are capable to complete personal license and SIA license as soon as we can. Look to minimize the disruption caused to any locals by closing earlier than other clubs at the weekends. Promoting a respect the neighbours campaign when we have any events on at the premises.

Prevention of Crime and Disorder

47. A digital CCTV system shall be installed at the premises which will be operational at all times when the premises is open to the public and be capable of providing pictures of evidential quality in all lighting conditions particularly facial identification. The CCTV recordings must be retained for a period of 31 days and made available for viewing by the police or an authorised officer of the licensing authority on request. The system shall provide coverage of the entrance and exits of the premises and the interior public areas of the premises. A staff member who is conversant with the operations of the CCTV system will be on the premises at all time to make available recordings to police or authorised officer with the absolute minimum delay.
48. An incident recording book shall be maintained at the premises showing details of the date and time of any assaults, injuries, accidents or interventions by staff or ejections, as well as details of the member of staff involved. The nature of the incident and the actions/ outcome. The book must be kept available for inspection by the police and authorised officers of the local authority.
49. Staff will be trained in their responsibilities under the Licensing Act 2003 before making sales of alcohol and refresher training will take place at no less than 6 monthly intervals. All training will be recorded in either written or electronic format and made available to police and local authority officers on request.

50. Every Friday and Saturday night, the Sunday night preceding any public holiday, Christmas Eve, Boxing Day and Good Friday when regulated entertainment is provided a minimum of 1 SIA registered door supervisor will be on duty from 22.00 until the closing time. At all other times the premises license holder will risk assess the need for door supervision and provide adequate cover as such times where the risk assessment shows need. They shall also display their SIA licence in a reflective armband whilst on duty.
51. A daily register of security personnel will be maintained. The register shall show the name address and license number of each door supervisor, and the dates and times that they operate. The register must be kept available for inspection by police and authorised officer of the council.
52. I also already have CCTV in place.

Public safety

53. No glassware or glass bottles will be taken outside of the building by patrons of the premises. Staff shall be first aid trained.

The prevention of public nuisance

54. All windows and external doors shall be kept closed after 23.00 hours or at any time when regulated entertainment takes place except for the immediate access and egress for persons which is a double doorway where internal doors can remain closed.
55. Notices shall be prominently displayed at all exits requesting patrons respect the needs of local residents and to leave quietly.
56. No rubbish including bottles shall be removed or put outside during the hours of 23.00 and 08.00.
57. A direct telephone number for the manager of the premises shall be publicly available at all times when the premises is open. This telephone number is to be made available to all residents in the vicinity.

The protection of children from harm

58. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification shall bear their photograph, date of birth and a holographic mark.

59. Signage shall be displayed in a prominent position within the premises informing of the challenge 25 policy.
60. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of refused sale and the name of the member of staff who refused the sale and the reason for refusal. The log shall be available for inspection at the premises by the police or an authorised officer of the council at all times while the premises is open.
61. The premises will keep an up to date training record available for inspection at the premises for police or council officer in respect of age related sales.

Relevant Representations

62. Nick Bailey - South Wales Police
63. The above representation is reproduced at Appendix 1
64. Peter Malough - Legal Regulatory Services
65. The above representation is reproduced at Appendix 2

Officer Report

66. The application is to authorise the sale of alcohol, regulated entertainment and late night refreshment.
67. Representations have been received from South Wales Police and Legal Regulatory Services who requested additional conditions be attached to the licence.
68. The applicant has agreed to all the conditions requested.

Legal Impacts

69. There is a right of appeal against the decision to the Magistrates' Court

Risk Management

70. Not Applicable

Consultation

71. Consultation has been undertaken in accordance with the Licensing Act 2003.

Recommendation

72. The members determine the application after considering all relevant representations.

Reasons for Proposed Decision

73. To ensure the licensing objectives as set out in the Licensing Act 2003 are promoted.

Implementation of Decision

74. The decision is for immediate implementation

Appendices

75. Appendix 1 - South Wales Police Representations
76. Appendix 2 - Legal Regulatory Services Representations

List of Background Papers

77. Application for the grant of a premises licence
78. Neath Port Talbot Licensing Policy
79. <https://www.npt.gov.uk/media/17641/appendix-1-draft-licensing-act-policy-2021-english.docx?v=20220627093306>
80. Secretary of State's Guidance
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Officer Contact

81. Neil Chapple
Legal Regulatory Manager
Tel (01639) 763050
Email n.chapple@npt.gov.uk

Mae'r dudalen hon yn fwriadol wag

Pencadlys Heddlu

Heol y Bont-faen
Penybont
CF31 3SU

Mewn argyfwng ffoniwch **999**
fel arall, ffoniwch **101**

Gwefan: www.heddlu-de-cymru.police.uk

Police Headquarters

Cowbridge Road
Bridgend
CF31 3SU

In an emergency always dial **999**
for non-emergencies dial **101**

Website: www.south-wales.police.uk

Nick Bailey

Police Licensing Officer,
Neath Police Station.

 : nick.bailey2@south-wales.police.uk

 : 01639 640207

 : 07971 623816

Mr N. Chapple,
Legal Regulatory Services Manager,
Neath Port Talbot Council.
Civic Centre,
Port Talbot.

4th November 2022.

**Police Observations to application for the Grant of a premises licence
under the Licensing Act 2003.**

In relation to the application for a premises licence under the Licensing Act 2003 at
the below-referred licensed premises:

Name: Murphys Bar

Address: 18 Station Road, Port Talbot, SA13 1JB

The Application is for a premises licence for the following Licensable activity;

Provision of Films, Indoor Sports, Boxing & Wrestling, Live & Recorded Music and
Dance, LNR & Supply of Alcohol between the hours stated below;

08:00hrs to 01:00hrs Sun – Wed

08:00hrs to 02:00hrs Thur - Sat

Hours open to the public:

08:00hrs to 01:00hrs Sun – Wed

08:00hrs to 02:00hrs Thur - Sat

This application is submitted by Phillip Murphy, for the grant of a premises licence to
enable the applicant to sell alcohol for consumption on the premises, as part of a
sports bar. The premises is a located on Station Road in Port Talbot, which is the
main pedestrian thoroughfare in the Night Time Economy in the town.



In the application the premises is described as “a sports music Diner, which will show live and recorded music and sports. There will be sports on site (pool tables, darts and table tennis) and gambling/ gaming machines.”

The hours applied for licensable activities mirror those for the hours then premises is open to the public and has no drinking up time, however there is mention within the application that he intends to have a 30 minute drinking up time which will be reflected in the licensable hours on the premises licence.

Having looked at the operating schedule submitted I notice that the conditions mentioned are roughly in line with what I would expect from a late night drinking venue operating until 2am on the weekend within a night time economy area in terms of CCTV, door staff etc.

There are two areas that I would request are amended so I would request the amendments outlined below are introduced prior to the grant of this licence should this application be successful;

The Prevention of Crime & Disorder:

The operating schedule does refer to the provision of door staff but the applicant believes that 1 member of door staff would be sufficient. With the experience of having both worked in, and enforced within the Night Time Economy hubs I do not believe that 1 member of door staff would be able to manage the door that opens onto the main street and be able to maintain supervision and control of what will be a large capacity venue, so I would ask that the condition be amended to read as follows;

1. Every Friday and Saturday night, the Sunday night of any bank holiday, Christmas Eve, Boxing Day & **** Day a minimum of 2 SIA registered door supervisors will be on duty from 21:00 hours until closing time.

At all other times, the premises licence holder will risk assess the need for door supervisors and provide door supervision between such times and in such numbers as is required by the risk assessment. They shall also display their S.I.A licence in a reflective armband whilst on duty.

The Protection of Children from Harm:

I would also request that the condition relating to the Challenge 25 policy be amended as it only stipulates cards with holograms, names and date of birth which are freely available on the internet. I would request that it be amended to read;



2. A Challenge 25 policy will apply and Proof of age will be required from any person who appears to be under the age of 25 years who attempts to purchase or consume alcohol. The means of verification should be a form of identification which bears their photograph, date of birth and a holographic mark and is restricted to:-

- P.A.S.S Accredited Proof of Age Schemes e.g,Citizen Card,
- Proof GB
- Photocard driving licence or passport.

I believe that the conditions suggested are proportionate, are in line with this type of premises and will help promote the Licensing Objectives.

The application also proposes that Phillip Murphy become the DPS of the premises. Can he confirm whether he has been issued a personal licence yet, and if not, who will be the DPS? If he does hold a personal licence nothing relevant is known to their detriment so there are no objections to this appointment.

The above information is submitted for your information and consideration.

Yours sincerely,

Nick Bailey

Police Licensing Officer
(On behalf of the Chief Officer of Police)



Mae'r dudalen hon yn fwriadol wag

From: Peter Malough <p.malough@npt.gov.uk>

Sent: 03 November 2022 10:25

To: Legal Regulatory Services <lrs@npt.gov.uk>

Cc: Catherine Cody <c.cody@npt.gov.uk>

Subject: Grant of Premises Licence: 18 station road Port Talbot

Dear Sir

An application has been received for the grant of a new premises licence at 18 Station Road, Port Talbot, SA13 1JB.

The applicant has outlined that the premises will be a sports music diner, which will show live and recorded music and sports.

Having viewed the operating schedule I am aware that the applicant has consulted with the responsible authorities in regard to conditions that would be appropriate for this premises.

Looking at the operating times I just want to ensure I have read the application correctly and wish to clarify the times for the supply of alcohol.

The application outlines that the premises will supply alcohol Sunday to Wednesday 08:00 – 01:00 and Thursday to Saturday 08:00 – 02:00. The non-standard timings box within the application has been completed and states “Alcohol will be served up until half hour before the end of opening which times I have stated. The system wouldn't let me input the half hour time. Sunday - Wednesday 08.00- 12.30, Thursday-Saturday 08.00-01.30”

Just for the avoidance of any doubt the operating times for the supply of alcohol will be:-

Sunday - Wednesday 08.00- 12.30 and Thursday-Saturday 08.00-01.30

Drinking up time is referred to in Section 5.8 of the Councils Statement of Licensing Policy where it recommends that premises licensed for on sale of alcohol should consider a drinking up / cooling down period. It states that during this time music volume may be reduced, customers may finish their drinks and make arrangements for transportation from the premises. The policy considers that a 30-minute drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area.

Tudalen17

If the applicant confirms the above times then I have no further representations to make.

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

Cyfarwyddiaeth Gwasanaethau Corfforaethol & Cyllid / Finance & Corporate Services Directorate

Rhif Ffôn / Tel No. 01639 763050

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Sub Committee

14th November 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Pontardawe

Application for the Review of a Premises Licence

Purpose of the Report

1. To consider an application by Environmental Health for the review of the premises licence for the Other Place (Live Lounge)

Premises Name	Other Place (Live Lounge)
Premises Address	9 Ynysderw Road, Pontardawe, Swansea SA8 4EG
Applicant Name	Rachel Matthews - Environmental Health Officer
Applicant Address	Environmental Health, Neath Port Talbot Council, The Quays, Brunel Way, Neath SA11 2GG

Premises Licence Holder Name	HD Pub Investments Ltd
Designated Premises Supervisor	Mr Hans Andrei Dionisio Erive

Executive Summary

2. This is an application under the Licensing Act 2003 for a review of a licensed premises for the Other Place (Live Lounge).
3. The application for review has been submitted by Environmental Health on the grounds of the prevention of public nuisance.
4. Additional representations were received from Legal Regulatory Services (Licensing), South Wales Police and several residents.

Background

5. At any stage following the grant of a premises licence, a responsible authority may ask the licensing authority to review the licence because of a matter(s) arising at the premises in connection with any of the four licensing objectives.
6. When a licensing authority receives an application for a review from a responsible authority, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations.
7. Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
 - modify the conditions of the licence (which includes adding new conditions or any alteration or omission of an existing condition);
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;

- to suspend the licence for a period not exceeding three months.
- To revoke the licence.

Grounds for Review

8. The Environmental Health Section of Neath Port Talbot Council wish to make an application to review the Premises Licence for Live Lounge 9 Ynysderw Road Pontardawe SA9 4EG (Premises Licence Number: PREM-0322).
9. The Environmental Health review application primarily focuses on the failure to promote 'The Prevention of Public Nuisance' Licensing Objective.
10. The decision to make the review application has not been taken lightly; but it is felt that this is the only remaining option to achieve compliance, and attain ongoing protection for the local residents from excessive noise arising from activities at, and in the vicinity of the licensed premises: causing Public Nuisance.
11. Issues in relation to the premises have been ongoing for a number of years. Several attempts to resolve concerns amicably with the licence holders but these have failed, and Abatement Notices has been served due to the ongoing regular nuisance emanating from the premises. Environmental Health Officers have attempted to work with the premises to reach a solution that suits all parties.
12. The Premises License Holders (PLH) are HD Pub Investments Ltd and are the registered owners of the premises with The Land Registry. The management of the premises is overseen by Hans Andrei Dionisio Erive; as the Designated Premises Supervisor (DPS) and Andrew Davies; the Manager.
13. Noise Abatement Notices have been served on the (PLH), (DPS) and Andrew Davies, on 15th September 2022.
14. Having reviewed the history of complaints in relation to the premises; initially there has been a pattern of short term compliance following Local Authority intervention, but complaints would be received again. The management controls that are in place are inadequate for the type of entertainment they are providing in a building that is not suitably

constructed to contain electronically amplified rock music, played at high volume.

15. The building was formerly the Royal British Legion Club. The entertainment provided in these types of premises is historically darts, dominoes, bingo, a party for a special occasion: Mostly low volume activities that do not require the building to be suitably constructed for sound attenuation.
16. The community Facebook Page has shown there to be a section of the community who are not sympathetic to the residents who are being affected. A number of comments have been made along the lines of: if you don't want the noise of a pub; don't buy a house next to a pub. It must be considered however; that many of the residents living in Ynysderw Road and Francis Street have lived in their homes a long time, e.g. 30 and 40 years before the premises became a live music venue. The premises has evolved into a venue that is unsuited to the location; surrounded on 2 sides by residential premises in extremely close proximity.
17. Complaints in 2021 regarding noise from the premises commenced almost as soon as the premises opened and Premises Licence Holder after Covid restrictions within the hospitality sector were relaxed. Environmental Health received complaints of excessive noise from music emanating from the premises.
18. An application was made by the (PLH) for a minor variation for the provision of an outdoor bar and entertainment on the car park. Objections were made due to Environmental Health Officer having concern for Public Nuisance to be caused.
19. An announced visit to the premises was made by Environmental Health, Licensing and Police Licensing on the 15th July 2021 to discuss the application for the variation of the Premises Licence, noise complaints and Covid controls. The premises was represented by Robert Megson. During this visit Rachel Matthews of The Environmental Health Team, discussed that music levels needed to be to be quieter due to the location of the pub in a residential area.
20. Mr Megson explained that he had carried out work to sound proof the rear function room, by having ceiling tiles, triple glazing to the right hand side of the function room, and had sealed gaps in the structure of the building. Unfortunately the specifications of the sound reduction of these materials

was unknown. The remaining left hand side of the function room with the windows facing Francis Street, and diagonally across to Ynysderw Road; does not have triple glazed windows. There are also a significant amount of areas in the construction of the building that allow the noise inside to escape, adversely affecting the residents.

21. In addition; Rachel Matthews advised that there were concerns over the disturbance caused by the presence of people outside the premises, until late, i.e. 01.00hours.
22. HD Pub Investments Ltd, the (DPS) and the Manager have been notified on several occasions of the public nuisance that is emanating from, and in the vicinity of; the Live Lounge premises.
23. Letters were sent in October 2021 and November 2021 and again in March 2022 advising that complaints continue.
24. A meeting on 5th May was held with representatives of the premises: the (DPS) Hans Erive Dionsio and Andrew Davies with Environmental Health Officers: Gareth Liley and Rachel Matthews. Mr Liley advised the representatives that the control measures that they stated they were carrying out: measuring with a sound meter, installation of ceiling tiles, foam filler, triple glazed windows to the right hand side of the function room were insufficient to prevent a nuisance.
25. Documents with specifications of sound reduction of the materials used were unavailable and the management controls proposed such as; use of the hand held sound level meter were being misunderstood. In addition the sound level meter was not of the scientific grade and was not calibrated by an accredited laboratory.
26. The representatives were advised that they needed to have the premises assessed by an Acoustic Consultant, registered with the Institute of Acoustics, and any assessment to be carried out was to be approved with the Environmental Health Department.
27. The representatives were advised that until this had been successfully completed; they should not continue to provide music entertainment that causes a nuisance.
28. Complaints about disturbance from loud music have continued, as well as complaints about patrons causing late night disturbance.

29. In addition to the meetings with company representatives: Letters and emails have been written to the PLH, and the DPS advising them of these complaints and that monitoring results will contribute to consideration of enforcement action:

8th November 2021

21st March 2022

26th May

14th June

7th July

18th July

5th August

2nd September

30. In response to this situation; Environmental Health Officers have carried out a noise monitoring programme, to ascertain if the complaints are valid. Witness statements from 6 Environmental Health Officers have reported that a public nuisance has been caused emanating from these premises. The Officers were deployed over the spring and summer months and have reported that nuisance occurred on approximately 7 occasions. The nuisance is comprised of excessively loud electronically amplified music, usually with drums, electric guitars and singing, and usually lasts for approximately 2 hours. The Officers have not been present for all events, due to staffing issues, but on those occasions where they have been present; nuisance has been witnessed. Making the primary concern for The Environmental Health Team being repeated, excessively loud music emanating from the premises; this relates to indoor and outdoor music, on any day from Friday or Saturday night to Sunday afternoon/ evening:

31. Officers of the Environmental Health Team have provided witness statements that evidence nuisance being caused on: (dates)

8th April 2022

20th May 2022

16th July 2022

26th August 2022

28th August 2022

2nd September 2022

10th September 2022

32. The event on the 28th August 2022 took place in the beer garden of the premises and was excessively loud. The band playing had speakers facing towards the boundary with Ynysderw Road, which is a breach of the licence condition 12. A photograph of the set-up was taken.
33. It is the opinion of the Officers of The Environmental Health Team that the structure and location of this premises is not suitable for the type of entertainment the licensee wishes to provide. Due to the fact that the premises is surrounded on two sides by residential properties the closest being approximately 4m from the boundary of the premises. I understand that the inhabitants of this house purchased the land from the pub to make a driveway.
34. When considering the combination of: the poor sound attenuation of the structure of the building; the inadequate controls that management have implemented; the poor attitude shown towards the advice and recommendations, and the continuing noise nuisance that the premises is causing: the Officers have reached the conclusion that the premises is not suitable, or appropriate for live or recorded music to be provided in this manner. The managers or supervisors at the premises have demonstrated that they are unable to provide such entertainment; without giving rise to complaints, and more significantly, officers of the department have witnessed the excessive noise in person, on several occasions.
35. Local residents have advised that the patrons of the premises are causing noise disturbance outside the premises after 23:00 hours, the premises has licensed hours of 01:00hours for service of alcohol with closing at 01.30hours. Patrons are likely to have a substantial amount of alcohol during a "night out" that finishes at this hour, and as a result their behaviour and voices are likely to be less controlled than they would usually be, if they were not under the influence of alcohol, it is known that alcohol relaxes the inhibitions. As a result; some residents report that

there are often people hanging round outside shouting and talking loudly, causing them to be woken late at night, beyond the night-time hours cut off point of 23;00 hours.

36. In addition to this; residents have reported that patrons are granted entry after 23.00 hours. In breach of the licence condition.
37. There are concerns from numerous local residents that foot traffic between the licensed premises in the area is causing late night disturbance with residents regularly being woken by intoxicated persons travelling between the venues.
38. Pontardawe is described by the Town Council as a rural town. The town centre is very small, with Herbert Street and High Street being the main Central Business District. There are 7 licensed premises concentrated in a small area, mostly with a late licensed hour of 01.00 hours, closing at 01.30 hours. This is particularly significant, due to the fact that residential premises are in immediate proximity to these licensed premises. The town centre is not removed from residential premises, like other town centres near-by, such as Swansea and Neath, due to the fact that Pontardawe is so small.
39. Traditionally the pubs in Pontardawe that are woven into the residential community would not have been live music venues, with late licenses of 01:00-01:30. Pontardawe has a significantly high percentage of older residents and working families; who do not benefit from the disturbance caused by the disturbance brought in by the night-time economy.
40. In the opinion of Officers of the Environmental Health Team consideration must be given to the fact that having 7 licensed premises permitted to remain open until 01:30am, in a small rural town; will cause there to be intrusive and unacceptable late night disturbance and public nuisance.
41. Taking all the information into consideration, Officers of the Environmental Health Section, make the following recommendations:
42. Condition 1

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.

43. Condition 2

There shall be no external amplified sound in the external areas of the premises, including the beer garden and car park.

44. Condition 3

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;

45. 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.

46. 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.

47. 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.

48. Condition 4

Once this has been submitted and approved by the Officers in The Environmental Health Team: 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.

49. 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.

50. Condition 5

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.

51. Condition 6

Once the Noise Impact Assessment has been submitted and approved by the Officers in The Environmental Health Team:

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.

52. Condition 7

The terminal hour for the sale and serving of alcohol at the premises shall be 23:00 with a 30 minute drinking up time.

The premises is to be cleared of all customers by 23:30.

53. Should the permitted hours for the serving of alcohol and closing the premises fail to allow the patrons to disperse in time for the night-time hours of 23:00 hours: the closing time of the premises should be reduced, due to the proximity of residential premises.

54. Condition 8

Once the Noise Impact Assessment has been submitted and approved by the Officers in The Environmental Health Team:

A Noise Management Plan shall be submitted for examination and approval by the Officers of the Local Authority. The management plan shall identify the sources of noise associated with these premises, and detail the controls to be implemented to reduce the noise to an acceptable level.

The control measures stipulated within the management plan shall be implemented at all times whilst the premises is operating.

Current Licence

55. Supply of Alcohol

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

56. Films

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

57. Live Music

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

New Year's Eve until 02.00

58. Recorded Music

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

New Year's Eve until 02.00

59. Indoor Sporting Events

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

60. Performance of Dance

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

New Year's Eve until 02.00

61. Anything of a Similar Description

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

New Year's Eve until 02.00

62. Making Music

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

63. Dancing

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

Facilities for dancing will be available on New Year's Eve until normal working hours on New Year's Day

64. Anything of a Similar Description

Sunday to Thursday: 08:00 - 23:00

Friday & Saturday: 08:00 - 01:00

65. Late Night Refreshment

Friday & Saturday: 23:00 - 01:00

Facilities for late night refreshment will be available on New Year's Eve until normal working hours on New Year's Day

Operating Schedule Conditions

66. Provide prominent signs throughout the premises and at all exits requesting patrons to leave in a quiet and orderly manner so as to minimise impact on local residents.
67. Ensure that all windows and doors are kept closed whilst amplified music is being played.
68. The Designated Premises Supervisor or a nominated responsible person must ensure that adequate provision has been made to enable, in the event of any emergency the safe evacuation of disabled as well as able bodied persons.
69. Provide a sound limitation device which is operational whenever amplified music is being played.
70. A documented procedure must be in place to verify the age of person who appear to be under eighteen years of age to prevent them gaining access to the premises and or purchasing alcohol. The means of verification should be restricted to:-
 - (1) Accredited Proof of Age Scheme's e.g Portman, Validate
 - (2) Photocard driving licence or passport.
71. The following entertainment is not permitted:-

Any live performance or live display of nudity, which is of such a nature that it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of the audience (whether by verbal or other means)
72. The licence holder may apply for a maximum of 12 special events per calendar year.
 - a) At least 10 days prior to the event, notification must be given to the Licensing Authority and the Police in writing.
 - b) Any police objection must be received by the Licence Holder before the end of the second working day following the day on which the notice was served. In the event of a police objection, the event shall not proceed.

- c) All conditions specified in Annex 1, 2 & 3 of the premises licence remain valid during special events.
- d) 9 of the special events referred to above will be permitted to last a maximum of 1 day (24 hours) and will be restricted to licensable activities indoors.
- e) 3 of the special events referred to above will be permitted to last a maximum of 5 consecutive days (120 hours) and will allow all licensable activities (except supply of alcohol) to take place in the outside areas i.e. beer garden, children's play area and car park. No live or recorded music will be permitted to take place in the outside areas between the hours of 11pm and 8am.

Conditions imposed at Committee

- 73. Only plastic glasses are to be used in the beer garden and the area will be supervised by staff .
- 74. Committee 16/08/2021
- 75. The outside bar (as identified on the plan attached to the licence) shall not be permitted to sell alcohol between the hours of 9:00pm and 7:59am;
- 76. Prominent signs will be erected in the outside beer garden, requesting patrons to keep noise levels to a minimum and leave in a quiet and orderly manner, so as to minimise impact on local residents;
- 77. A digital CCTV system shall be installed, or existing system maintained, at the Premises which will be operational at all times when the Premises is open to the public, and be capable of providing pictures of evidential quality in all lighting conditions, particularly facial identification. The CCTV recordings must be retained for a period of thirty one (31) days, and made available for viewing by the Police of an authorised officer of the Council on request:

The system must provide coverage of the following areas:

- i. The exterior perimeter of the Premises;
- ii. The entrance(s) and exit(s) of the Premises;
- iii. All public areas of the Premises (with the exception of the toilets).

78. Authorised officer recent data or footage with the absolute minimum of delay following a lawful request;
79. Every Friday and Saturday night, the Sunday night preceding any public holiday, Christmas Eve, Boxing Day and Good Friday, a minimum of two (2) SIA registered door supervisors will be on duty from 9:00pm until closing time;
80. At all other times, the Premises Licence Holder will risk assess the need for door supervisors and provide door supervision between such times and in such numbers as is required by the risk assessment. They shall also display their SIA licence in a reflective armband whilst on duty;
81. A daily register of security personnel will be maintained. The register shall show the name, address and licence number of each door supervisor, and the dates and times that they operate. The register must be kept available for inspection by the Police and authorised officer of the Council;
82. A Challenge 25 policy will apply and Proof of Age will be required from any person who appears to be under the age of 25 years who attempts to purchase or consume alcohol. This means of verification should be a form of identification which bears their photograph, date of birth, and a holographic mark and should be restricted to:
 - i. P.A.S.S. Accredited Proof of Age Schemes e.g. Citizen Card;
 - ii. Proof GB;
 - iii. Photo card driving licence or passport.
83. Premises to keep up to date records of staff training in respect of age related sales, in written or electronic format, available for inspection on request by any authorised officer of the Council or Police.
84. A log shall be kept, detailing all refused sales of alcohol. The log should include the date and time of the refused sale, and the name of the member of staff who refused the sale. The log shall be available for inspection at the Premises by the Police or an authorised officer of the Council at all times whilst the Premises is open.
85. The manager and/or staff shall manage the outdoor areas to ensure that customers of the Premises do not behave in a noisy, rowdy or offensive manner, and measures are put in place for staff to monitor the outdoor areas on a regular basis.

86. No speakers for amplification of music shall be placed on the outside of the Premises facing Ynysderw Road and Francis Street.
87. No entry or re-entry to the Premises after 11:00pm.
88. All customers exiting the Premises shall be encouraged to exit via the double gates.
89. The above representations are reproduced as Appendix 1.

Relevant Representations

90. Peter Malough - Legal Regulatory Officer NPTCBC
91. Nick Bailey - South Wales Police Licensing Officer
92. Kate Nicholson - 13 Ynysderw Road, Pontardawe
93. Andrew Nicholson - 4 Ynysderw Road, Pontardawe
94. Resident A1 - Email wish to be anonymous
95. Resident A2 - Email wish to be anonymous
96. Resident A3 Email wish to be anonymous
97. Resident A4 Email wish to be anonymous
98. John Howells - 16 Ynysderw Road, Pontardawe - Letter of support
99. Daniel Smith - Full address no provided - Letter of support

Officer Report

100. On the 15th September 2022, a review application and report was received from the Environmental Health Department in response to complaints from residents and previous enforcement action.
101. The application resulted in a number of additional representations being received both in support of the application for review and in support of the licence holder. These representations are attached at appendices 1-13.

Equality Impact Assessment

102. Not Applicable

Legal Impacts

103. There is a right of appeal against the Committee's decision to the Magistrates' Court

Risk Management

104. Not Applicable

Consultation

105. Consultation has been undertaken in accordance with the Licensing Act 2003.

Recommendation

106. That members determine the application after considering all relevant evidence.

Reasons for Proposed Decision

107. To ensure the licensing objectives as set out in the Licensing Act 2003 are promoted.

Implementation of Decision

108. The decision is for immediate implementation

Appendices

109. Appendix 1 - Review application and supporting Statement

110. Appendix 2 - Legal Regulatory Services Representation

111. Appendix 3 - South Wales Police Representation

112. Appendix 4 - Kate Nicholson Representation

- 113. Appendix 5 - Andrew Nicholson Representation
- 114. Appendix 6 - Resident A1 Representation
- 115. Appendix 7 - Resident A2 Representation
- 116. Appendix 8 - Resident A3 Representation
- 117. Appendix 9 - Resident A4 Representation
- 118. Appendix 10 - John Howells Letter of Support
- 119. Appendix 11 - Daniel Smith Letter of Support
- 120. Appendix 12 - Location plan of premises
- 121. Appendix 13 - Additional information provided by Environmental Health

List of Background Papers

- 122. Addition information summary of evidence from Environmental Health
- 123. Neath Port Talbot Licensing Policy
<https://www.npt.gov.uk/media/14952/licensing-act-2003-draft-licensing-policy-2021.pdf?v=20210923150929>
- 124. Secretary of State's Guidance
- 125. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf

Officer Contact

- 126. Neil Chapple
Legal Regulatory Manager
Tel (01639) 763050
Email n.chapple@npt.gov.uk

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
 You may wish to keep a copy of the completed form for your records.

I Rachel Matthews

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Live Lounge (Other Place) 9 Ynysderw Road Pontardawe SA8 4EG	
Post town Pontardawe	Post code (if known) SA8 4EG

Name of premises licence holder or club holding club premises certificate (if known) HD Pub Investments Limited The Aubrey Arms Gurnos Road Ystradgynlais SA9 1HU

Number of premises licence or club premises certificate (if known) PREM-0322
--

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Matthews

First names

Rachel

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

none

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Rachel Matthews, Environmental Health, Neath Port Talbot Council, The Quays, Brunel Way,
SA11 2GG

Telephone number (if any)

01639 685642

E-mail address (optional)

r.matthews@npt.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

Failure to promote the licensing objective of the prevention of public nuisance.

Please provide as much information as possible to support the application (please read guidance note 3)

Please see attached Environmental Health Statement with outline details of our involvement, complaint history and enforcement action so far.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Objection to The Minor Variation of Premises Licence 2021

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date **15th September 2022**

Capacity **Applicant, Responsible Authority and Environmental Health Officer**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.

Licensing Privacy Notice

1. In providing us with your personal information you hereby acknowledge that Neath Port Talbot County Borough Council is the Data Controller for all the personal information you provide on this form (for the purpose of the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 (DPA)).
2. The personal data which we collect from you via this form will be used by the Council (pursuant to it carrying out its various statutory and business functions) for the following purposes:
Hackney Carriage (taxis) and Private Hire Licences
Alcohol and entertainment licences, permits and notices
Gambling licences, permits and notices
Charitable collection licences and permits
Boats and Boatmen licences
Firework licences
Hairdresser registrations
Petroleum licences
Scrap Metal Dealer licences
Sex establishments and sexual entertainment venue licences
Stage hypnotism registrations
Street trading consents
Tattooing, Cosmetic Piercing, Acupuncture, Electrolysis registrations
3. As a Data Controller the Council is required under GDPR to inform you which of the Article 6 GDPR “Data Processing Conditions” it is relying upon to lawfully process your personal data. In this respect please be advised that in regards to the data provided by you on this form we are relying on the following two Article 6 conditions;
 - i. “The data processing is necessary for compliance with a legal obligation to which the controller is subject”. (Article 6(c) GDPR).
 - ii. “The data processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.” (Article 6(e) GDPR).
4. We may share your personal data securely with the following third parties (i.e. persons/bodies/entities outside the Council) in accordance with data sharing arrangements which we have in place with those third parties

- The Fire & Rescue Service
 - The Police
 - Disclosure & Barring Services
 - NHS local health boards
 - Immigration services
 - Foreign Embassies if you are a foreign national or have lived abroad
 - National Fraud Initiative
 - Department for Work & Pensions
 - HM Revenue & Customs
 - DVLA
 - Other local authorities
5. The personal information collected from you on this form will be held by the Council for as long as the licence, permit, consent, notification exists or up to 6 years after the it lapses.
 6. Please note that we are required to collect certain personal data under statutory requirements and in such cases a failure by you to provide that information to us may result in the Council being unable to provide you with a service and/or could render you liable to legal proceedings.
 7. We would inform you that under Article 21 GDPR you have the right at any time to object to the Authority about the fact that we are processing your personal data for the purposes of carrying out a public task or exercising our official authority.
 8. The Council will not transfer any of your personal data outside of the European Union. All processing of your personal data by us will be carried out in the United Kingdom or other European Union countries.
 9. The Council will not use your personal data for the purposes of automated decision making.
 10. Please be advised that under GDPR individuals are given the following rights in regards to their personal data:
 - i. The right of access to their personal data held by a data controller.
 - ii. The right to have inaccurate data corrected by a data controller.
 - iii. The right to have their data erased (in certain limited circumstances).
 - iv. The right to restrict the processing of their data by a data controller (in certain limited circumstances).
 - v. The right to object to their data being used for direct marketing.
 - vi. The right to data portability (i.e. electronic transfer of data to another data controller).

Further information on all the above rights may be obtained from the Information Commissioner's website: www.ico.org.uk.

11. In the event that you have any queries regarding our use of your personal data, you wish to have access to the same or you wish to make any complaint regarding the processing of your personal data please contact the Council's Data Protection Officer at the Directorate of Finance & Corporate Services, Civic Centre, Port Talbot, SA13 1PJ.

12. Please be advised that in the event that you make a request or a complaint to the Council's Data Protection Officer (see 9 above) and you are dissatisfied with the Council's response you are entitled to complain directly to the Information Commissioner's Office. Details of the Commissioner's Office contact details and further information on your rights may be obtained from the Commissioner's website – www.ico.org.uk.

Environmental Health Statement

1. The Environmental Health Section of Neath Port Talbot Council wish to make an application to review the Premises Licence for Live Lounge 9 Ynysderw Road Pontardawe SA9 4EG (Premises Licence Number: PREM-0322).
2. The Environmental Health review application primarily focuses on the failure to promote 'The Prevention of Public Nuisance' Licensing Objective.
3. The decision to make the review application has not been taken lightly; but it is felt that this is the only remaining option to achieve compliance, and attain ongoing protection for the local residents from excessive noise arising from activities at, and in the vicinity of the licensed premises: causing Public Nuisance.
4. Issues in relation to the premises have been ongoing for a number of years. Several attempts to resolve concerns amicably with the licence holders but these have failed, and Abatement Notices has been served due to the ongoing regular nuisance emanating from the premises. Environmental Health Officers have attempted to work with the premises to reach a solution that suits all parties.
5. The Premises License Holders are HD Pub Investments Ltd and are the registered owners of the premises with The Land Registry. The management of the premises is overseen by Hans Andrei Dionisio Erive; as the Designated Premises Supervisor and Andrew Davies; the Manager.
6. Noise Abatement Notices have been served on the PLH, DPS and Andrew Davies, on 15th September 2022.
7. Having reviewed the history of complaints in relation to the premises; initially there has been a pattern of short term compliance following Local Authority intervention, but complaints would be received again. The management controls that are in place are inadequate for the type of entertainment they are providing in a building that is not suitably constructed to contain electronically amplified rock music, played at high volume.
8. The building was formerly the Royal British Legion Club. The entertainment provided in these types of premises is historically darts, dominoes, bingo, a party for a special occasion: Mostly low volume activities that do not require the building to be suitably constructed for sound attenuation.
9. The community Facebook Page has shown there to be a section of the community who are not sympathetic to the residents who are being affected. A number of comments have been made along the lines of: if you don't want the noise of a pub; don't buy a house next to a pub. It must be considered however; that many of the residents living in Ynysderw Road and Francis Street have lived in their homes a long time, e.g. 30 and 40 years before the premises became a live music venue. The premises has evolved into a venue that is unsuited to the location; surrounded on 2 sides by residential premises in extremely close proximity.

10. Complaints in 2021 regarding noise from the premises commenced almost as soon as the premises opened and Premises Licence Holder after Covid restrictions within the hospitality sector were relaxed. Environmental Health received complaints of excessive noise from music emanating from the premises.
11. An application was made by the PLH for a minor variation for the provision of an outdoor bar and entertainment on the car park. Objections were made due to Environmental Health Officer having concern for Public Nuisance to be caused.
12. An announced visit to the premises was made by Environmental Health, Licensing and Police Licensing on the 15th July 2021 to discuss the application for the variation of the Premises Licence, noise complaints and Covid controls. The premises was represented by Robert Megson. During this visit Rachel Matthews of The Environmental Health Team, discussed that music levels needed to be to be quieter due to the location of the pub in a residential area.
13. Mr Megson explained that he had carried out work to sound proof the rear function room, by having ceiling tiles, triple glazing to the right hand side of the function room, and had sealed gaps in the structure of the building. Unfortunately the specifications of the sound reduction of these materials was unknown. The remaining left hand side of the function room with the windows facing Francis Street, and diagonally across to Ynysderw Road; does not have triple glazed windows. There are also a significant amount of areas in the construction of the building that allow the noise inside to escape, adversely affecting the residents.
14. In addition; Rachel Matthews advised that there were concerns over the disturbance caused by the presence of people outside the premises, until late, i.e. 01.00hours.
15. HD Pub Investments Ltd, the DPS and the Manager have been notified on several occasions of the public nuisance that is emanating from, and in the vicinity of; the Live Lounge premises.
16. Letters were sent in October 2021 and November 2021 and again in March 2022 advising that complaints continue.
17. A meeting on 5th May was held with representatives of the premises: Hans Erive Dionsio and Andrew Davies with Environmental Health Officers: Gareth Liley and Rachel Matthews. Mr Liley advised the representatives that the control measures that they stated they were carrying out: measuring with a sound meter, installation of ceiling tiles, foam filler, triple glazed windows to the right hand side of the function room were insufficient to prevent a nuisance.
18. Documents with specifications of sound reduction of the materials used were unavailable and the management controls proposed such as; use of the hand held sound level meter were being misunderstood. In addition the sound level meter was not of the scientific grade and was not calibrated by an accredited laboratory.

19. The representatives were advised that they needed to have the premises assessed by an Acoustic Consultant, registered with the Institute of Acoustics, and any assessment to be carried out was to be approved with the Environmental Health Department.
20. The representatives were advised that until this had been successfully completed; they should not continue to provide music entertainment that causes a nuisance.
21. Complaints about disturbance from loud music have continued, as well as complaints about patrons causing late night disturbance.
22. In addition to the meetings with company representatives: Letters and emails have been written to the PLH, and the DPS advising them of these complaints and that monitoring results will contribute to consideration of enforcement action:
 - 8th November 2021
 - 21st March 2022
 - 26th May
 - 14th June
 - 7th July
 - 18th July
 - 5th August
 - 2nd September
23. In response to this situation; Environmental Health Officers have carried out a noise monitoring programme, to ascertain if the complaints are valid. Witness statements from 6 Environmental Health Officers have reported that a public nuisance has been caused emanating from these premises. The Officers were deployed over the spring and summer months and have reported that nuisance occurred on approximately 7 occasions. The nuisance is comprised of excessively loud electronically amplified music, usually with drums, electric guitars and singing, and usually lasts for approximately 2 hours. The Officers have not been present for all events, due to staffing issues, but on those occasions where they have been present; nuisance has been witnessed. Making the primary concern for The Environmental Health Team being repeated, excessively loud music emanating from the premises; this relates to indoor and outdoor music, on any day from Friday or Saturday night to Sunday afternoon/ evening:
24. Officers of the Environmental Health Team have provided witness statements that evidence nuisance being caused on: (dates)
 - 8th April 2022
 - 20th May 2022
 - 16th July 2022
 - 26th August 2022
 - 28th August 2022
 - 2nd September 2022
 - 10th September 2022

25. The event on the 28th August 2022 took place in the beer garden of the premises and was excessively loud. The band playing had speakers facing towards the boundary with Ynysderw Road, which is a breach of the licence condition 12. A photograph of the set-up was taken.
26. It is the opinion of the Officers of The Environmental Health Team that the structure and location of this premises is not suitable for the type of entertainment the licensee wishes to provide. Due to the fact that the premises is surrounded on two sides by residential properties the closest being approximately 4m from the boundary of the premises. I understand that the inhabitants of this house purchased the land from the pub to make a driveway.
27. When considering the combination of: the poor sound attenuation of the structure of the building; the inadequate controls that management have implemented; the poor attitude shown towards the advice and recommendations, and the continuing noise nuisance that the premises is causing: the Officers have reached the conclusion that the premises is not suitable, or appropriate for live or recorded music to be provided in this manner. The managers or supervisors at the premises have demonstrated that they are unable to provide such entertainment; without giving rise to complaints, and more significantly, officers of the department have witnessed the excessive noise in person, on several occasions.
28. Local residents have advised that the patrons of the premises are causing noise disturbance outside the premises after 23:00 hours, the premises has licensed hours of 01:00hours for service of alcohol with closing at 01.30hours. Patrons are likely to have a substantial amount of alcohol during a "night out" that finishes at this hour, and as a result their behaviour and voices are likely to be less controlled than they would usually be, if they were not under the influence of alcohol, it is known that alcohol relaxes the inhibitions. As a result; some residents report that there are often people hanging round outside shouting and talking loudly, causing them to be woken late at night, beyond the night-time hours cut off point of 23;00 hours.
29. In addition to this; residents have reported that patrons are granted entry after 23.00 hours. In breach of the licence condition.
30. There are concerns from numerous local residents that foot traffic between the licensed premises in the area is causing late night disturbance with residents regularly being woken by intoxicated persons travelling between the venues.
31. Pontardawe is described by the Town Council as a rural town. The town centre is very small, with Herbert Street and High Street being the main Central Business District. There are 7 licensed premises concentrated in a small area, mostly with a late licensed hour of 01.00 hours, closing at 01.30 hours. This is particularly significant, due to the fact that residential premises are in immediate proximity to these licensed premises. The town centre is not removed from residential premises, like other town centres near-by, such as Swansea and Neath, due to the fact that Pontardawe is so small.
32. Traditionally the pubs in Pontardawe that are woven into the residential community would not have been live music venues, with late licenses of 01:00-01:30. Pontardawe has a

significantly high percentage of older residents and working families; who do not benefit from the disturbance caused by the disturbance brought in by the night-time economy.

33. In the opinion of Officers of the Environmental Health Team consideration must be given to the fact that having 7 licensed premises permitted to remain open until 01:30am, in a small rural town; will cause there to be intrusive and unacceptable late night disturbance and public nuisance.

34. Taking all the information into consideration, Officers of the Environmental Health Section, make the following recommendations:

Condition 1

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 2

There shall be no external amplified sound in the external areas of the premises, including the beer garden and car park.

Condition 3

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 4

Once this has been submitted and approved by the Officers in The Environmental Health Team: 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.

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 5

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.

Condition 6

Once the Noise Impact Assessment has been submitted and approved by the Officers in The Environmental Health Team:

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.

Condition 7

The terminal hour for the sale and serving of alcohol at the premises shall be 23:00 with a 30 minute drinking up time.

The premises is to be cleared of all customers by 23:30.

Should the permitted hours for the serving of alcohol and closing the premises fail to allow the patrons to disperse in time for the night-time hours of 23:00 hours: the closing time of the premises should be reduced, due to the proximity of residential premises.

Condition 8

Once the Noise Impact Assessment has been submitted and approved by the Officers in The Environmental Health Team:

A Noise Management Plan shall be submitted for examination and approval by the Officers of the Local Authority. The management plan shall identify the sources of noise associated with these premises, and detail the controls to be implemented to reduce the noise to an acceptable level.

The control measures stipulated within the management plan shall be implemented at all times whilst the premises is operating.

LRS Representation - Peter Malough

An application for Review of the above premises has been submitted by the Environmental Health Section.

The application sets out the grounds for the Review and has proposed a number of conditions that they believe should be attached to the licence to assist in the promotion of the licensing objectives.

This application primarily relates to the prevention of public nuisance and outlines that the premises is not suitable, or appropriate for live or recorded music to be provided until appropriate control measures are put in place.

The premises licence has been in place for many years and was transferred to HD Pub Investments Ltd in April 2021.

On reviewing our complaints logs I can confirm 11 complaints have been made from August 2010 to August 2022.

The complaints have come from residents and the Environmental Health Section.

You will note that 9 of these complaints were from 2021 onwards, details outlined below:-

- 17th August 2010 – Music being played in function room – Resident
- 28th March 2011 - Excessive noise as a result of live music being played – Resident
- 10th May 2021 - Noise from customers outside, bar being used in external area TV loud - Resident
- 17th May 2021 - Music playing outside until midnight, customers shouting and swearing – Resident
- 17th May 2021 - Premises playing loud music until 00.15 on Saturday night. Customers swearing and shouting – Resident
- 20th July – Loud music and general customer disturbance from 20:45 on Friday 16th July - Resident
- 8th November 2021 - Noise from bands from 7pm on a Sunday – Environmental Health
- 21st March 2022 – Noise complaints from premises over the weekend - Environmental Health
- 27th May 2022 - Environmental Health Officers have witnessed music emanating from the above premises
- 20th August 2022– Noise complaints following festival weekend – Residents
- 23rd August 2022 - Complaint alleging various dates in July and August where noise nuisance has occurred allegation premises breaching licence conditions

As the Review application states I have been involved in a number meetings with the licence holders, Designated Premises Supervisor and area manager to deal with the matters reported above.

In regard to the conditions proposed within the Review application I am aware the licence holders have already engaged with a consultant and I would hope by the time this application is put before the committee this process would have been completed.

I would say the licence holders are under no obligation to obtain a noise impact assessment unless the conditions proposed in the Review are approved by the Licensing Sub Committee, however it's positive that this work has started and wasn't disputed.

As there has already been engagement with the noise assessment company this suggests that the premises licence holder recognises improvements are required and hopefully the noise impact assessment will address many of the concerns raised in the application in regard to noise nuisance.

There are a number of conditions attached to the premises licence that deal with the prevention of public nuisance however with the deregulation of live and recorded music these conditions are only enforceable after 23.00 hours.

It is mentioned in the Review that some conditions have been breached and allegations were made that customers were being allowed entry in to the premises after 11pm, this was reported by a resident and then raised with the DPS and area manager at a meeting on 13/09/2022.

In regard to the existing premises licence conditions I would add that on 23/07/2022 & 01/10/2022 the premises was visited by licensing officers and the police to carry out routine licensing visits. On both these occasions there were no SIA door supervisor present resulting in a breach of the condition outlined below:-

Every Friday and Saturday night, the Sunday night preceding any public holiday, Christmas Eve, Boxing Day and Good Friday, a minimum of two (2) SIA registered door supervisors will be on duty from 09:00pm until closing time

Letters were sent to the licence holder regarding this and a meeting was had with the area manager and DPS to deal with this matter.

Section 11 of The Councils Statement of Licensing Policy outlines what it expects from premises in regard to the licensing objective Prevention of Public Nuisance.

The Policy acknowledges the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution.

It also recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

The Policy recognises that the impacts of licensable activities are not contained solely within a premises building. Residents could be affected as customers travel to and from a premises or congregate outside whilst it is in operation.

It is important to clarify and this is also raised in the Policy that beyond the immediate area surrounding the licensed premises the control that a licence holder has over its customers diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

Taking in to consideration the Councils Statement of Licensing Policy and the high standard of control that should be implemented, I submit this representation supporting the conditions relating to the noise impact assessment.

The application confirms 6 Environmental Health Officers have witnessed noise nuisance on 7 separate occasions and there have been numerous letters and meetings to resolve the issues outside of the Review process.

I believe the licence holders acceptance to carry out a noise assessment prior to the hearing demonstrates an understanding that this course of action is appropriate to resolve the noise issues reported.

Clearly live music is a big part of this premises and has been for many years so it is important that a balance is found where the premises and the residents can work/live together amicably. The noise impact assessment will help achieve this as it will set out how this premises can successfully provide live music without causing a noise issue.

There is also a proposal within the Review to reduce the terminal hour for the sale of alcohol from 01.00 to 23.00hrs this primarily is to deal with the alleged anti-social behaviour issues. I am unable to provide any further evidence regarding this and would suggest that the police or residents living in the vicinity are better placed to comment further on this.

Mae'r dudalen hon yn fwriadol wag

Pencadlys HeddluHeol y Bont-faen
Penybont
CF31 3SUMewn argyfwng ffoniwch **999**
fel arall, ffoniwch **101**Gwefan: www.heddlu-de-cymru.police.uk**Police Headquarters**Cowbridge Road
Bridgend
CF31 3SUIn an emergency always dial **999**
for non-emergencies dial **101**Website: www.south-wales.police.uk

Nick Bailey

Police Licensing Officer,
Neath Police Station.[:nick.bailey2@south-wales.police.uk](mailto:nick.bailey2@south-wales.police.uk)

: 01639 640207



: 07971 623816

Mr N. Chapple,
Legal Regulatory Services Manager,
Neath Port Talbot Council.
Civic Centre,
Port Talbot.

13th October 2022

**Police Observations to application for a review of a premises licence
under the Licensing Act 2003.**

In relation to the application for a review of a premises licence under the Licensing Act 2003 at the below-referred licensed premises:

Name: Live Lounge

Address: 9 Ynysderw Road Pontardawe SA8 4EG

An application for Review of the above premises has been submitted by the Environmental Health Section.

The application sets out the grounds for the Review and has proposed a number of conditions that they believe should be attached to the licence to assist in the promotion of the licensing objectives.

In respect of the above application to review the premises licence of Live Lounge I wish to make the following representations;

Live Lounge has been a licensed premises for many years and, until recently, was known as The Other Place. As with any licensed premises there have been calls from, and about the



premises over the years and I have reviewed these calls to assess the impact this premises has had within the local community.

The current premises licence holder, HD Pub Investments Ltd, took control of the management of the premises on 26th April 2021 and as such any searches for incidents at, and reports about the premises that I have conducted start from that date.

There have been 6 reported incidents linked to the premises, 2 of which I do not believe to be relevant to this representation.

I believe it worthwhile, at this point, to give a breakdown of the incidents reported and visits to the premises, in chronological order, which are as follows;

On 18th May 2021 a meeting was held involving the DPS, officers from local authority Licensing team and myself as part of the wider Covid re-opening visits in the Pontardawe area at which the Covid restrictions and responsibilities were discussed.

On 15th July 2021 a meeting was held with the premises management team, officers from local authority Licensing & Environmental Health (EVHD) departments and myself to discuss a licence variation application. As part of this meeting noise complaints about the premises, received by EVHD, and the ongoing Covid control measures were also discussed.

On 18th December 2021 at 22:00hrs a report was received that a customer had been assaulted by door staff at the premises. Officers attended, spoke with all parties and established that this had been a lawful ejection of 2 customers causing problems in the premises.

On 16th May 2022 at 11:03hrs a report of behaviour the previous night was received from a resident relating to possible Covid breaches and ASB with customers from the premises littering in the streets. The report stated that this had occurred the previous evening so officers were not dispatched and the matter was referred to the Joint Enforcement Team (JET) for further enquiries.

On 16th May 2022 at 12:56hrs a further complaint was received from a resident about potential Covid breaches the previous night and this matter was also referred to the JET for further contact.

On 23rd July 2022, after 21:00hrs, an enforcement visit at the premises was conducted by myself and Mr. Malough from the local authority Licensing team, at which time it was established that there were no door staff working at the premises, which constituted a breach of the premises licence condition contained in Annex 3, condition 5 which states;



Every Friday and Saturday night, the Sunday night preceding any public holiday, Christmas Eve, Boxing Day and Good Friday, a minimum of two (2) SIA registered door supervisors will be on duty from 09:00pm until closing time

This breach was pointed out to staff and was dealt with by way of a verbal warning to them on the night and it was decided that Local Authority Licensing would inform the PLH in writing of the breach.

On 22nd August 2022 at 23:00 a report of a customer being assaulted by door staff was received. Officers attended and spoke with all parties involved. On speaking with the complainant they did not wish to pursue the matter further. As a result officers decided that no checks of the CCTV were necessary as there was no complaint.

On 13th September 2022 a meeting was arranged, at the request of Mr. Erive & Mr. Davies to discuss ongoing issues with sourcing door staff for the premises to achieve compliance with their premises licence conditions and how this could be managed going forward. A complaint about customers entering the premises after 11pm was also raised with them and management of customers entering and re-entering was discussed as it was felt that this was an area that would be the responsibility of door staff when working.

At the conclusion of the meeting, while there was sympathy for the management team in sourcing door staff, it was pointed out to them that employing door staff was a requirement of their premises licence, during the times specified in the relevant condition, while licensable activities were taking place.

On Saturday 1st October 2022 a joint enforcement visit involving officers from the Security Industry Authority, local authority & police licensing was conducted and, once again, it was found that no door staff were employed in contravention of condition 5, Annex 3. On this occasion this was pointed out to Mr. Davies and it was decided that I should send a letter to both the Managing Director of HD Pub Investments Ltd and to the DPS Mr. Erive informing them of what we had found, which I have done.

As you can see from the incidents listed above Live Lounge, during the tenureship of HD Pub Investments Ltd, is not a premises that appears to attract a high volume of calls relating to Crime & Disorder.

The above information is submitted for your information and consideration.

Yours sincerely,

Nick Bailey

Police Licensing Officer
(On behalf of the Chief Officer of Police)

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Mae'r dudalen hon yn fwriadol wag

Personal Impact Statement

Regarding Live Lounge

September 2022

My name is Kate Nicholson I live at 13 Ynysderw Road. I bought the house in 2003 and moved in in 2004. My elderly parents also live here with me, they are both in their eighties and we also have a young woman living with us who is a Ukrainian refugee.

When we first lived here the Live Lounge was just a pub, with no extraordinary impact on us. As you would expect when living next to a pub; there was the occasional disturbance of people leaving, or a minor fight. This is what we accept living in this location, we know what to expect. We have lived near pubs before; on the high street in Llandovery and prior to that we lived on the High Street in Pontardawe next to pubs, we know what it is like, and we are willing to accept it.

The problem we have living by the Live Lounge is that the last 10 years or so, slowly the music has got louder and louder and louder. There used to be music on the occasional weekend, but now almost every weekend there is live music on Friday, Saturday and Sunday.

Our house is situated approximately 20 metres from the pub. When music is being played; in particular; live music, the volume of music in our house and garden is unbearable.

If the weather is nice it means once the bands start up I can't sit in the garden, we have to shut the windows and doors so we can't have any air flow. Even when we shut the doors and windows; we are still able to hear the music in our home. My parents like to sleep with their window open but they are unable to. They usually go to bed about 10pm, but they either have to lie awake, or wait to go to bed when the band has stopped. My father has vascular dementia and so he finds this distressing. My mother is suffering from sight loss, and she cares for my father. When the music is playing it makes it much harder to care for him, and she is unable to go to bed to rest and relax.

We have had a patio fitted so that we can eat our meals outside when the weather is good, most week days we are able to, but at weekends it is too unpleasant to do this, and so we don't. This is very upsetting, we feel this is an unreasonable impact on our lives.

This summer has been extraordinarily hot and we have had to keep the windows and doors closed when the music is on. We can still hear the music with the doors and windows closed, and even with the television on.

My family members become agitated and very, very frustrated as they can't relax in our home, and feel the volume of the music is just too loud. My guest; the Ukrainian woman, is shocked at how loud the music is.

The nature of the pub has changed, I bought the house knowing what to expect with living by a pub, but it is not just a pub, it is now a live music venue, which is not suitable for a residential street.

The impact this pub has on our lives is very stressful. For example; On a bank holiday weekend 2 years ago there was a live music event on at the pub, and the street was full of the cars of customers at the pub. They do not have a car park anymore, as they have a marquis on their car park where they have benches, a tv, and an area for bands to play. There was nowhere for me to park. We have a dropped kerb and a ramp to allow my mother access in her wheelchair. I couldn't get my mother out of the car, into the wheelchair and into the house. As there was the event on at the pub, and lots of cars I didn't recognise. I approached the owner, as he was stood outside the pub, to ask if he

would put a call out over the mic to ask the person parked over our dropped kerb, outside of our house, if they could move their car, but his attitude was very disappointing: he just looked at me and said: it's not my problem. I tried to explain about my mother and the wheelchair etc. but he just repeated: it's not my problem. This is why I haven't tried to communicate and negotiate with them since. They have made it clear they are not interested in the issues the wider community have. My other neighbours have been over to discuss the noise with them, and it has not been received well.

In the past when the music was played, I would often sit outside and listen; if it was music I liked, but now; the music is so loud it is unpleasant and not enjoyable, and so I stay inside with the doors and windows closed, even on a warm evening, which makes me very annoyed. If the weather raining there doesn't seem to be as much disturbance, and so sometimes I find myself hoping that the weather will change and start raining by about 8pm; just to make life more peaceful.

During the festival; there is no control whatsoever. The street was packed with cars, I could not turn the car round. I don't know how an emergency vehicle would get through. I organise events and I know that when you organise them, you must have these matters addressed. I am going to raise this with the relevant persons as I extremely concerned that something could go horribly wrong.

This year there was a women who went beside my caravan and urinated. I know my other neighbours have also complained about persons urinating against their fence. The facilities are not provided for toilets and parking, for an event of this scale.

The music was unbearably loud from all directions, inside our house it was awful. We have to stay in and endure it. Apparently I am supposed to go away so that the pubs can carry on as they please.

I am aware that there is a petition with hundreds people putting their names forward. It is stated that we are trying to stop music; but we are NOT trying to do that. What we want is for it to be controlled and so it doesn't have the effect on my family, as I have described. I don't want to see the pub shut, I just want them to be good neighbours; which I don't think is an unreasonable request .

We have put up with it for 10 years, and it seems that if they are given an inch; they take a mile. I simply don't understand why it has to be so loud. I haven't been inside, because I find it too loud outside so I envisage that it would be unbearable inside.

There are number of people on Social Media that say we should go away for the weekend if we don't like the noise; then I would be away every weekend. I have my mother who is wheelchair bound and suffering sight loss, my father has dementia and I have a Ukrainian refugee, all those factors would mean I would need 3 rooms, it would be unreasonable for me to do this,I am not in a financial position to afford this weekend after weekend, instead of living in my own house.

6 Ynysderw Road
Pontardawe
SA8 4EG

Re: the live lounge@ The Other Place

I note there's a plan to review the Licence for The Other Place. As a close neighbour to the premises, I wish to register my concerns on this application.

I wish to firstly point out that despite a petition that has recently been circulated, I and no others in the area have requested that all Live music in Pontardawe be banned and stopped. Many of us have been, or currently, involved in live music and would never seek to its' removal from the Cultural history of Pontardawe.

I have lived here on Ynysderw Road for a little over 40 years and have seen several changes to the use of the premises. When I moved in the premises were run by the Royal British Legion which was more a social club for an elderly clientele. While events were held, they were more sedate and did not require amplification. There followed a period of a couple years where the building was closed following the RBL move to a new venue in Pontardawe.

After a few years of laying empty it was sold to a new owner who decided to re-open it as a Pub, but aimed at a much younger clientele. Part of this target audience he introduced a few groups to perform there.

After a couple of new licensees, Andrew Davies took over and spoke about aiming to make the pub more a family-oriented pub with food and drink. He also introduced additional groups were playing at the pub in either the main hall area or in the small front bar area.

When he applied to alter his licence for much longer opening hours, I and several other residents met with the licensing committee to highlight the impact the plan would have on us.

Following this meeting the committee agreed to some of his alterations, however they placed several restrictions on the opening hours and restrictions on both volume limits on music, live or recorded, as well that doors and windows should remain closed and where groups should play to also limit the impact on residents'.

I believed, initially, I had a good working relationship with both Andrew and his staff in. Whenever I had any complaints either noise or the behaviour of people entering or leaving the pub, I could raise it with Andrew, and he would normally act to resolve these issues. I believe that other residents had been contacting NPT and local ward Councillors to raise complaints and concerns.

However, we had a major increase in the issues residents faced during the "Ponty Summer Fest" period where several of the local public houses would hold both internal and external music stages where both bands and records would be played with excessive amplification. In fact, I'm aware that people living several miles away could hear the sound. This normal took place from lunchtime unto midnight and sometimes later.

As the Other Place used the car park as the place of holding the eternal stage and food concession vans people would use the Ynysderw Road and Francis Street as a general carpark, often blocking vehicles in their driveways or dropped footpaths for residents who were unable to walk far. On several occasions I had to report dangerous parking to the

Tudalen63

Police on the junction of Ynysderw Rd and Francis St, as well as obstructions to the roads which prevented access for emergency vehicles and numerous keepers of vehicles had written warnings and parking tickets.

Following numerous complaints to the police, as well to NPT, eventually double yellow lines were placed on the junction of Ynysdew/Francis St. These did have a little impact on the number of vehicle parking illegally.

During the lockdown period the car park of The Other Place has placed a large, covered marquee along with "picnic benches" to allow for external drinkers. They have since built an external bar and an area for bands to play as well as a large TV to show sporting events.

Despite several reminders from the licensing Office of NPT, the Other Place continued to use this external bar, even advertising its use on Social media. After the last licensing review, it has used in reduced periods.

However, since the pub transferred to the new owners (Red Dragon Pubs,) there has been a marked deterioration in the behaviour of the Pub and its clientele (arriving and leaving) at the pub.

Previously events were held monthly, quite often on a Saturday or Sunday, though sometimes both, which were very loud. However Red Dragon now holds weekly bands on Friday and Saturday Evenings, as well as late Sunday afternoon. On the whole bands would be playing in the main hall but with window and doors open It was at excessive levels further exactified by the bass reverbing through the house. The noise levels have prevented us from sitting outside during summer months and with the temperatures in spring and summer we have been unable to open our windows to help with cooling our house.

The music can be heard inside our house even through double glazing and we are unable to enjoy or relax in our gardens because of the excessive amplification.

We have had an increase in people entering and leaving he pub, especially after closing times. People are often shouting, swearing in the area. They are also urinating against walls and in residents' gardens. This can go on till as late as 03:30 with people moving to and from other licensed premises in the area. Often there I the sound of vehicles revving engines and running for long periods.

Only during the Ponty Fest weekend there are door staff, Despite speaking to them to request that users of the pub not to be urinating off the premises. He stated he had no idea what I was referring to. This was despite me indicating 2 people standing less than 10 foot from him urinating against the wall. With the reduced parking at the Other Place users of the Pub have been parking in the area unfortunately this has been resulting issues for residents who are often unable to park on Ynysderw Road or Francis Street. Also, several of the drivers having been parking on the footpaths, completely blocking the access for people in wheelchairs or pushing buggies. This has been reported to the police. We do have n additional issue as cars may be in the Yellow Lines area, and a such the Police will not take any action as feel its an area of responsibility of NPT however enforcement officers don't cover this area and don't work after 5 or at, the weekend.

I want to reiterate that there is **no** request to ban any live music in Pontardawe, we only want to raise the issue of excessive amplified music in several Pubs. I have noticed that on the Petition that has been circulated on posts on Social Media about this it appears that residents have only started complaining about noise from the venues since August, while residents have been raising concerns for several years. Also, several people have made insulting comments about the residents, such as we should be forced out of Pontardawe, and that we should be "named and shamed" and that local businesses should stop serving

us, with one signature even stating that the residents should be burnt ("*Only Joking!*") In addition, I've noticed that of those who have signed both the petition or posting on Social Media are not neighbours that I recognise, or in fact live in the area surrounding the Other Place.

I hope the committee will take into account the very serious issues we, the residents of Ynysderw Road and Francis Street, have to face on most days and especially on the weekend and nights.

Many Thanks

Andrew Nicholson

6 Ynysderw Road

PONTARDAWE

SA8 4EG

Mae'r dudalen hon yn fwriadol wag

To: Gareth Jones

From: >

Sent: 05 October 2022 10:41

To: Legal Regulatory Services

Subject: Disturbance

I live on Ynisderw Road Pontardawe and would like to report on the noise and disturbance on the road due to the Pubs and Clubs nearby.

This year was particularly bad for us, with People shouting, screaming, and fighting outside our houses.

This goes on until 3am in the morning most Weekends when they have live music going.

All of this is not doing my Health any good, especially with the Anxiety that comes with it.

I am beginning to feel very vulnerable and intimidated in my own home. I cannot see how this is fair too all who living on this Street.

If this goes on, I will have to start thinking of moving from here, something I don't really want to do.

I would like to keep this email anonymous please.

Tudalen67

Mae'r dudalen hon yn fwriadol wag

From: A2

Sent: 20 September 2022 20:44

To: Legal Regulatory Services <lrs@npt.gov.uk>

Subject: Live lounge (other place)

Hi

I would like to put forward my objections for the return of the license to the live lounge.

Reasons and responsibilities of the management and the owners, which have over time increasingly refused to limit the level of loud music egress from the building.

Which intern has become a public nuisance to the resident of ynysderw road and Francis street .

I would also like to add that if environmental health have been monitoring over a number of months and have actually seen the stress that this venue has caused with excessive loud music every weekend which extrudes from the building.

This issue could have been resolved by making the premises sound proofed so that the residents and the surrounding area does not suffer.

Also the prevention of children from harm is a big issue, as residents of this street have children which many do, they are prevented from there sleep at a reasonable time due to the noise level.

After months of this venues inconsideration in regard to public nuisance as they leave at all hours and urinate on your walls and leave there bottles cans glasses anywhere they like which intern increases the level of noise that this venue excepts no responsibility for.

This is not responsible behavior from the live lounge .

Therefore the license should only be revisited when they resolve these issues.

11/10/2022

Personal Impact Statement A2

Live Lounge

I am A2. I live at xx Ynysderw Road. I have lived here for about 40 years. When we first moved in, the premises that is now Live Lounge was The Royal British Legion Club. They used to have the occasional party, but it was never very loud; and it finished early. The rest of the time there was just darts and dominoes and things like that. They used to be open until 11pm, and everyone was out soon after. Now and again there would be a bit of noise as someone left, but it was always early enough for it not to cause any real problem with disturbance.

Since live music is being put on at the pub; the noise in my house is unbearable. I can hear the lyrics to the music when I am sat in the living room. If I sit in the garden on a nice evening, it is like the music is on in the garden. It takes over and it is impossible to sit and enjoy the garden and sun.

Tudalen69

The music is on most weekends, and usually for 3 evenings: Friday, Saturday, Sunday. People say that we should not be trying to close the pub down, we are not trying to do that. We just want them to have the pub properly sound proofed so that they can carry on having their entertainment, without us having to hear it in our homes. Its not unreasonable to ask for that.

The pub is now a live music venue, it is in a residential street with many elderly residents, and working people and families living here. Some people that live in the street are happy with the music being so loud, but that is up to them. Just because they are happy with it; doesn't mean the rest of us have to be.

The petition that is online has hundreds of signatures; these are not people that live in our street. Even if they were; it should not take away our right to peace and quiet. They are not putting up with this every weekend.

The pub has a licence until 1am, closing by 1.30. When people have had a night out until that time; they have usually had plenty to drink. When they come out of the pub; they are shouting and swearing, sometimes fighting. They wake me and my family up, this happens regularly. I think it is reasonable to expect to go to sleep at a reasonable time; and not be woken up every week.

When they come out of the pub, they often urinate in the street, against our garden walls, in between our cars. There is often piles of sick that we have to clean up. There are bottles smashed in the road which we have to clean up. Cars are parked all over the road, including on double yellow lines, and on the pavement. If an emergency vehicle had to go up the road it would struggle to pass.

I have tried loads of times to speak with Andrew; the manager of the pub, to ask if he can keep the music down, and keep the customers from causing so many problems. But he does not care; He just shrugs his shoulders, and everything carries on as it was, and says I ve got to make money.

I understand that businesses have to make money; but they should not do it at the cost of the neighbours nearby. All we ask is for some respect for us to live peacefully, without having music forced into our home 3 times a week.

People say why don't we go away for weekends to avoid the music if we don't like it? Are these people serious? Why should we go away from our home to allow other people to make as much noise and mess as they like, when this is our home? I wouldn't be able to afford to do that anyway. I think it is unreasonable to have to do this, just because the pub doesn't want to turn the music down.

The venue could and should resolve the issue which causes the problem. And that would sort out the correct sound proofing, that's not too much to ask? Yes it cost money but it would resolve the issue for the most part.

To whom it concerns.

I have struggled with not coming forward openly to support the revision of The Other Place due to their negligence at upholding the licensing objectives. This is because of the huge amount of intimidation that is being rallied by the licensee and the staff of the pub. There have been for many months negative slurs on social media which I find quite intimidating. Stating that there is no problem. Residents who have stood their ground, being verbally intimidated. Move. Don't live by a pub. Close your window. Moaning tw*t.

At weekends the music may stop at 11pm but the revellers can be noisy until 12.30 am (on target there they are. I will provide the CCTV footage to Rachel). If there is an event on you can extend that to 3-4am. My children and others have to hear the swearing from revellers between the Other Place and the Rugby Club and vice versa. a colourful vocabulary swearbook they could write you. They were woken by a massive fight very late in the evening early hours on festival weekend. Huge group of 20 people! That is not a public nuisance.

The rubbish, glasses in your garden. Sick on the pavements.

The car park for the pub has now been turned into a beer garden since the event of the smoking ban. This in turn creates more outside noise, contributing to low level public nuisance. It has also aggravated the car parking for the pub itself. Patrons parking on pavements outside and on all of the corners/junctions around the other place even on double yellow lines. The lines are frequently ignored as was witnessed during the festival and on a football occasion (pictures can be provided by many of the neighbours). The lines are there as there is a nasty bend and if there were a fire it could result in loss of life. During the festival there were so many people using the 3 pubs at the same time the sheer amount of people walking up and down Ynysderw road frequently made it difficult for a car to drive as people were walking on the road and would not move. Ticket sales would ensure the safety of people. But it's about MONEY not SAFETY not even BEER allegedly!

The licensee himself parks right outside the pub on the pavement which sets a sterling example to his customers, so why should they do any different than Andrew!

I have so much to say. I will copy (Redacted) in and ring her on Monday.

Resident of Ynysderw

Mae'r dudalen hon yn fwriadol wag

I am sending this correspondence to you on behalf of my mother Mrs (Redacted) of Ynisderw Road who has no internet.

I believe criteria has to be established when issuing music licences.
I feel that my health and well-being are being compromised due to the anti-social behaviour of loud music and unruly conduct coming from the above establishment.

Yours sincerely

(Redacted)

Mae'r dudalen hon yn fwriadol wag

Neath Port Talbot CBC
Licensing Section
Civic Centre
Port Talbot
SA13 1PJ



16 Ynysderw Road
Pontardawe
Swansea
SA8 4EG
9 October 2022

Reference: Licensing Act 2003

Application for Review of Premises Licence

The Other Place (Live Lounge)

9 Ynysderw Road , Pontardawe

Dear Sir/Madam

I refer to the above application of 15 September 2022, submitted by R Matthews, Environmental Health, Neath Port Talbot CBC, and the associated Environmental Health statement providing supporting information.

I have lived at the above address for approximately 27 years. I am 74 years old and someone who has always recognised and abided by the rule of law. I should also state for your information that I am a patron of The Other Place, although I am not a regular music listener at the venue.

My home is approximately 60 yards, diagonally opposite from the boundary wall of The Other Place, in a northerly direction. Although there are regular music events held at The Other Place, I can categorically inform you that I have NOT been affected by excessive and audible noise from the premises AT ANY TIME. Although the windows in my home are double glazed, I can honestly declare that I have not been conscious of ANY excessive music noise, nor am I aware, or have been affected by ANY disturbances caused by people outside the premises at late hours. In part, this may be as a consequence of improvements introduced by Mr Andrew Davies (now Manager at the Other Place, but previously the owner, when he purchased the building some 18 years ago) and made the conscious decision to stop entry / exit to the premises via the door on the side of the building facing Francis Street, and move this to the opposite side of the building, facing a public road and away from any residential properties.

I have to say that as a NPTCBC ratepayer and a long standing Ynysderw Road resident, I am disappointed at the handling of this investigation by NPTCBC Environmental Health Team and some of the statements and conclusions they have arrived at. During the course of their investigation, I am not aware that they have at any time conducted a survey of all the residents in Ynysderw Road, to establish whether there is a consensus involving everyone (not just those who have complained) about noise / or disturbance. I think it is incumbent on NPTCBC Environmental Health to ensure that

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there is no bias one way or another about this issue. We live in a democracy, and, as such, we all have a right to be heard and cognisance given to our views.

On that note, I was dumbfounded to read the contents of paragraph 9 in the Environmental Health statement and, moreover, to even understand its relevance to the matter under consideration. Members of the public have a right to express their views – they do so by whatever means at their disposal. What's the purpose in referring to it in the statement?

Having read the Environmental Health statement several times, I retain numerous concerns about some of the contents and what they are trying to convey to you as a Licensing Authority. One impression may be that the residential area around The Other Place is saturated with alcohol fuelled delinquents, staggering about at all hours whilst trying to hold high pitched (and unintelligible) conversations with one another – see paragraph 28. Paragraph 30 tries to paint a somewhat similar picture, and whilst I concede there may be instances of foot traffic “between venues” – I submit that this can occur almost exclusively during the Pontardawe festival on 3 days in August every year. In my opinion, it is not a regular, week day or even every week end occurrence. The inference I have drawn from this Environmental Health (EH) statement is that the issues that some (who and how many I have no idea) Ynysderw Road and Francis Street residents, is being laid solely at the door of patrons of The Other Place. It is a possibility that those causing a noise have in fact spent time (and money) in different licensed premises beforehand, specifically in either Neath or Swansea, where drinks are widely known to be considerably cheaper per unit than charged anywhere in licensed premises in Pontardawe.

The other impression I get from the EH statement is that there has seemingly been little good will from the managers and /or supervisors at The Other Place to provide entertainment without giving rise to complaints (paragraph 27). Yet there is evidence in the EH statement (paragraph 17) that the managers have made differing attempts to mitigate concerns from residents. EH state these measures “were insufficient”. In paragraph 18, EH explain their reasoning as to why these attempted measures “ were insufficient”. It is not clear to me from the EH statement as to whether EH offered or provided The Other Place with any form of guidance that the latter could have followed, implemented and thereby “become sufficient “. This is at variance with some of the (I believe draconian and punitive) conditions that EH have outlined in their statement that The Other Place now has to attain to allow entertainment, specifically condition 3.

I would like to finish my comments by expressing my concern with the message I believe I'm getting after reading paragraphs 31, 32 and 33 in the EH statement. Is the purpose of the statement to provide the Licensing Authority with pertinent and relevant information relating solely to The Other Place, or has NPTCBC EH decided unilaterally to conflate matters/issues and include all Licensing Premises in Pontardawe?

I hope that you find my comments of use to you in your deliberations.



Yours sincerely

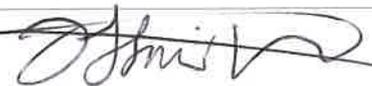
JOHN HOWELLS

My name is Daniel Smith,
I live on ymysderw Rd
Pontardawe, almost directly
opposite my house is the
Other place pub.

I want to make it clear
that there is no issue
with noise. I have a
2 year old son that
has never been woken or
even disturbed by the pub
or music even with his
window open.

This is a nice family friendly
pub that does so much for
the community.

The other place has done
nothing wrong
30/9/22



RECEIVED ON
10 OCT 2022
LICENSING

Location and views of the Other Place (Live Lounge) 9 Ynysderw Road, Pontardawe





View of premises from A474



View of premises from junction of Ynyisderw Road, at its junction with A474

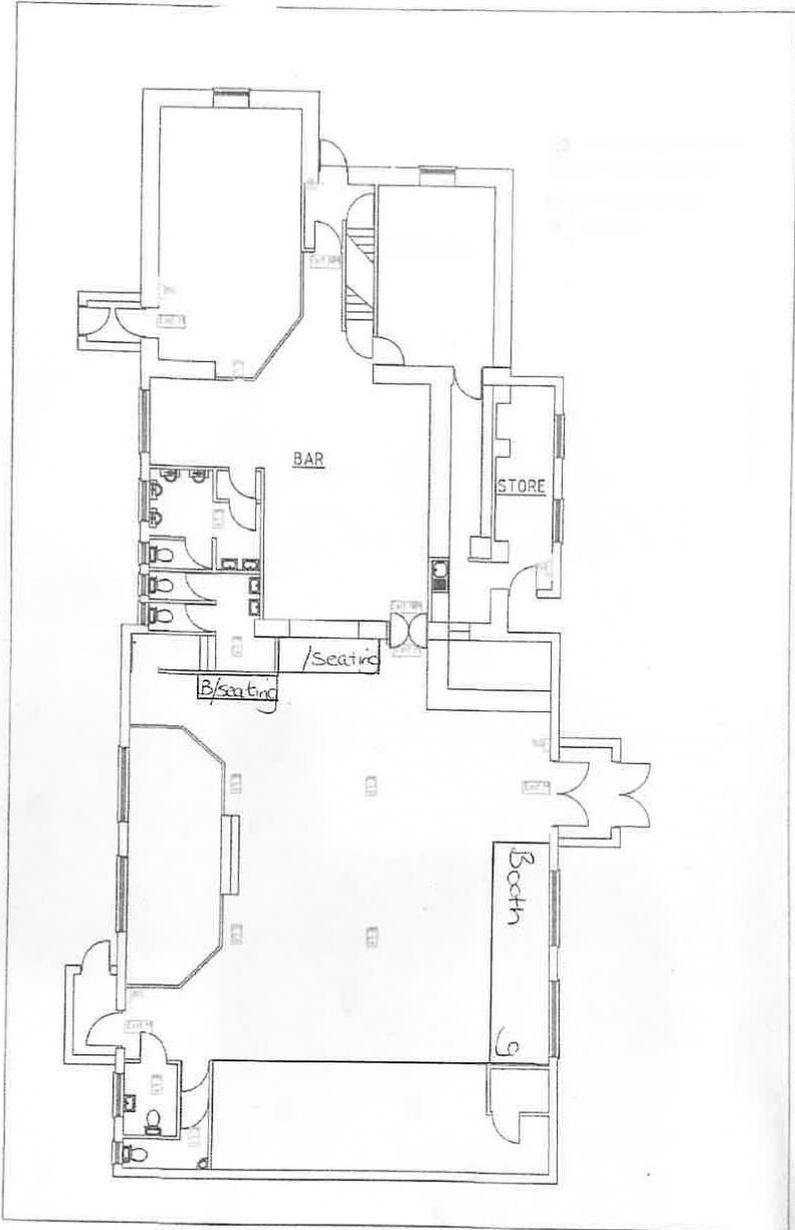


View of external area showing seating, external bar, stage and marquee



**View of premises at junction of Ynisderw Road and Francis Street, Pontardawe
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Plan of Internal licensable area as shown on premises licence

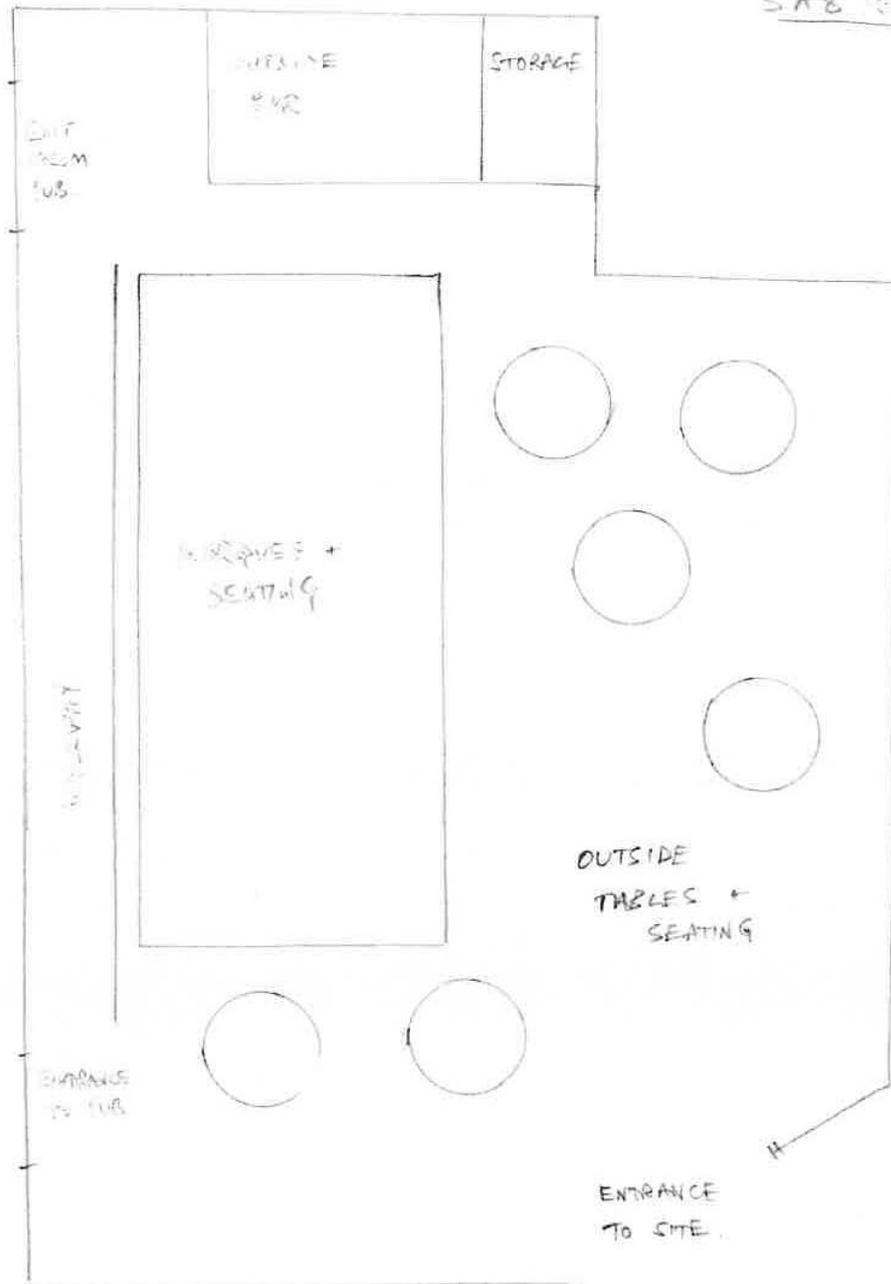


Plan of exterior licensable area as shown on premises licence

DIAGRAM OF OUTSIDE AREA

THE OTHER PLACE, PONTARDAWE,

SAB NEG



Mae'r dudalen hon yn fwriadol wag

Additional information provided by: Rachel Matthews, Environmental Health Officer, Neath Port Talbot CBC.

This document is a brief summary of evidence gathered in relation to Live Lounge Public House 9 Ynysderw Road leading to the service of an Abatement Notice and the Application for the review of the licence.

History:

Our historic database goes back to 2003:

- 1) A person living close by (resident A) reported that the pub was having live music in the rear function room; this being a breach of their licence conditions. In response to this a letter was sent to the licensee: Andrew Davies, notifying them of noise complaint.
- 2) 2003: complaint regarding the same issues was also lodged.
Resident A also complained about late night patron noise; causing them to be woken up as people left the premises.
- 3) 2004: a different person (Resident B) made a complaint about loud music, a letter was sent to the licensee and diary sheets were sent to the person to complete; but the resident later advised the summer ended and he was then able to cope more with the music.
- 4) 2004: a further different person complained (Resident C) about excessive loud music over the festival weekend. A letter was sent to the licensee.
- 5) 2006: A further complaint was received from a different person (Resident D) and a telephone call was made by the officer to the licensee (still Mr Davies) that a complaint about loud music had been received.
- 6) 2008: A new person complained: Resident E about live music going on until 23.30pm. The licensee (Mr Davies) was telephoned and informed but he said that the music was not loud, and it went off at 23.30.
- 7) 2008: 3 separate anonymous complaints came in; our team had a policy of not investigating anonymous complaints.
- 8) 2010: Resident A reported a further complaint advising that people leaving the pub around midnight had disturbed them.
- 9) 2011: Resident A then reported further disturbance from loud music, a letter was sent to the licensee.
- 10) 2011 A further Resident: F reported disturbance from loud music, a letter was sent.
- 11) 2013 Resident F complained again about loud music.
- 12) 2015 Another Resident: G living further away, complained about loud music
- 13) 2015 Resident H a further person living further away complained about loud music

- 14) 2016 Anonymous complaint was received about loud music
- 15) 2016 Resident F complained again about loud music
- 16) 2016 An additional Resident: H- further away reported loud music. Letter sent to Mr Davies to advise.
- 17) 2016 Anonymous complaint received about loud music
- 18) 2017 Resident A - made a complaint about loud music in the beer garden. A letter was sent to the licensee.
- 19) 2018 anonymous complaint received about loud music
- 20) 2018 Another Resident I- complained about loud music
- 21) 2019 Resident I- made a second complaint about loud music
- 22) 2019 Resident I made a third complaint about loud music
- 23) 2020 An additional Resident: J- made a complaint about loud music
- 24) 2020 Resident I- made a fourth complaint about loud music
- 25) 2021 Resident A- made complaint- loud music
- 26) June 2021 Application for Minor Variation – Environmental Health Officer Objected.
- 27) 2021 Resident I : made a fifth complaint about loud music
- 28) OCTOBER: LETTER SENT to HD Pub Investments Ltd and to DPS Mr H Erive**
- 29) 2021 Resident I: made a sixth complaint about loud music
- 30) NOVEMBER: LETTER SENT TO HD Pub Investments LTd and to DPS: Mr H Erive**
- 31) 2022 Resident A :complaint: loud music
- 32) 21st MARCH: LETTER SENT TO HD Pub Investments and DPS: Hans Erive**
- 33) 2022 Resident A :complaint loud music
- 34) 2022 Resident I: Complaint loud music
- 35) **5th May MEETING WITH DPS and The Manager: Andrew Davies. Explained that complaints were increasing and the music style and volume was not suited to the venue and location.**

Asked for Acoustic Consultant Report to assess the suitability of the building, and what works were required.

- 36) Email Follow up to confirm in writing what they needed to do.
- 37) 20th May 2022: Environmental Health Officer witnessed intrusive loud music in residents premises.
- 38) 26th MAY: LETTER SENT to HD Pub Investments and DPS Hans Erive
- 39) 2022 Resident A : Complaint about loud music
- 40) 2022 Resident F: complaint about loud music
- 41) 14th JUNE: LETTER SENT advising loud music
- 42) 7th JULY: LETTERS SENT advising loud music
- 43) 16th July 2022 Environmental Health Officer witnessed intrusive loud music in residents premises
- 44) 18th July: LETTERS SENT
- 45) 28 July Temporary Event Notice for the Festival
- 46) Gave them the opportunity to have the festival without causing nuisance
- 47) 5th AUGUST: LETTER SENT ADVISING NOT TO CAUSE NUIASNCE AT FESTIVAL OR ANY OTHER TIME
- 48) 2022 Resident K further from the pub complained about excessively loud music at the festival from the beer garden
- 49) 26th August 2022 Environmental Health Officer Witnessed loud intrusive music in residents' premises
- 50) 28th August 2022 Environmental Health Officer witnessed loud intrusive music from live music in the beer garden; in residents' premises
- 51) In response : Environmental Health Officer attended the premises to ask the person in charge to turn down the music. Person was Linda Pritchard who said: all other pubs are having music today why are you picking on us? I don't see what the problem is for us to have live music; the Officer advised that it was a warm sunny Sunday of a Bank Holiday weekend and it was extremely loud in residents' gardens and houses. The volume of the music was not switched down.
- 52) 2nd September 2022 Environmental Health Officer witnessed loud intrusive music in residents' premises

53) 10th September 2022 Environmental Health Officer witnessed loud intrusive music in residents' premises in the bedroom of Resident I where they were able to hear a selection of Meatloaf songs between approximately 20.30 and 21.30.

54) 10th September 2022 LETTERS SENT: advising Loud music

55) 15th September: Service of Abatement Notice and Application for Licence Review

56) 1st October 2022 Environmental Health Officer witnessed loud intrusive music in residents' front living room until approximately 21.20.

In summary: Intrusive loud music was witnessed in the residential street, attended Resident C's home to monitor. Sat in front sitting room and was able to hear what the songs were that were playing, bass guitar, drums, and vocals of a male singer: Blink 182, All the small things. Ryan put on his own music on his phone as background and was able to hear the music from the live lounge over his phone music.

57) 10th October: LETTERS SENT advising of intrusive loud music.

58) October: 4 Environmental Health Officers attended Live Lounge by agreement with Andrew Davies to observe the monitoring exercise carried out for the Acoustic Consultant Report that we requested on 5th May 2022.

59) These Officers were selected as they had all submitted Witness statements to me regarding excessive loud music witnessed in residents' homes over the last few months.

60) The noise inside the premises appeared to be excessively loud and was reaching 100dB on the measuring tool on the bar. My colleague: Simon Evans observed that the Sound Level Meter used by the acoustic consultant was reading a similar level: around 3dB difference.

61) In my opinion the music inside the bar was uncomfortably loud on the ears. My colleagues were positioned in the homes of the residents who were willing to take part in the exercise: Resident A, C, J. All complainants and Environmental Health Officers were in agreement that the level of music being played for the assessment was not at the level they had previously witnessed.

62) Officers advised the Acoustic Consultant that we felt that this was not a true representation of what we have previously experienced, but the Consultant was accepting that he had sufficient volume levels to use in his assessment.

63) In my opinion the building is not constructed to reduce the noise level from the music being played at the volume the licensee's desire.

64) We have not had any specifications of acoustic properties of the ceiling tiles; installed by Robert Megson, or double glazed windows. There are many pathways in the structure and fittings: the side doors are improperly fitting, there is a ventilation grill and a flue stack; these will all provide noise break out routes.

- 65) To provide the style of entertainment the licensees want: which is high volume rock music; the building must be properly sound proofed to reduce noise breakout, or; they music must be played at a significantly lower volume to prevent public nuisance.
- 66) In response to the application for the Review of The Licence A total of 6 residents have come forward and given personal impact statements explaining why they are opposed to the activities at the premises. These residents representing their households; in most cases 4 persons inhabiting that household; have come forward to give personal impact statements on how these circumstances have affected them.
- 67) The residents who have supplied a personal impact statement are: Resident A, Resident C, Resident F, Resident J, Resident L, Resident M.
- 68) Residents have requested to be kept anonymous as they are intimidated by the online harassment they have experienced, which they have shown me photos of and can be provided.
- 69) There are many online comments in a petition that are quite aggressive and threatening.
- 70) Some videos have also been viewed that show disturbance from patrons of the pubs in the area in the street outside their homes, that the residents may wish to exhibit.
- 71) From the statements given by residents who wish to come forward to oppose the live music being played at this volume in the pub; statements such as:
- It has got louder and louder
 - It has become more frequent; 3 times per weekend
 - It used to be just the festival, which they would concede and cope with
 - The residents no longer wish to tolerate the disturbance, at the volume and regularity it occurs as it is intruding into their homes and gardens.
- 72) The Environmental Health Officers have witnessed the disturbance and have acted with appropriate enforcement action.
- 73) The Council has a duty to act on the evidence provided to prevent the residents from suffering further Public Nuisance. As we are able to see; this has been going on for a long time, and has gathered momentum with more resident complaints and more frequent episodes of disturbances.
- 74) The demographics of the area are of concern. There is a significant number of older residents and families residing in the streets adjacent to the premises. There are a significant number of households that have moved into these houses, in the last few years. These residents are unlikely to be benefitting from the activities at the pub. Some people who live in the vicinity have come forward in support of the pub, but that does not reduce the impact the pub is having on others.

75) A resident who was a prolific complainant has stated they have sold their house and moved because of the disturbance.

76) An email was received on 14th October 2022 from the Acoustic Consultant employed by the Live Lounge owners stating:

“From the measurement taken once your team had deemed the noise level from music subjectively acceptable in a nearby garden, we have a design noise level of 44.7 dB(A).

Our advice will work to this, as far as feasible, and structurally practicable”