



IS-BWYLLGOR DEDDFAU TRWYDDEDU A GAMBLO

10.00 AM - DYDD LLUN, 17 HYDREF 2022

AML-LEOLIAD/HYBRID - MICOSOFT TEAMS/SIAMBR Y CYNGOR

**RHAID GOSOD POB FFÔN SYMUDOL AR Y MODD DISTAW AR
GYFER PARHAD Y CYFARFOD**

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. Cyhoeddiadau'r Cadeirydd
2. Datganiadau o fuddiannau
3. Eitemau brys
Unrhyw eitemau brys yn ôl disgrisiwn 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 - Coluccis Kitchen and Deli (*Tudalennau 3 - 14*)
5. Cais i amrywio Trwydded Mangre - Corner House, 44 y Rhodfa Castell-nedd (*Tudalennau 15 - 40*)

K.Jones

Prif Weithredwr

**Canolfan Ddnesig
Port Talbot**

Dydd Mawrth, 11 Hydref 2022

Aelodaeth y Pwyllgor:

Cadeirydd: Y Cynghorydd A.J.Richards

Is-gadeirydd: Y Cynghorydd J.Henton

Aelodau: S.Paddison a/ac A.Dacey

Dirprwy: Y Cynghorwyr

c.c. Uwch-arolygydd yr Heddlu, Castell-nedd
Prif Swyddog Tân, Castell-nedd

NEATH PORT TALBOT COUNCIL

Licensing and Gambling Acts Sub Committee

17th October 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Cymmer & Glyncorrwg

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	Coluccis Kitchen & Delicatessen
Premises Address	60B Afan Road, Dyffryn Rhondda, Port Talbot, SA13 3ET
Applicant Name's	Susanna Margaret Elizabeth Jones
Applicant Address	8 Station Road, Cymmer, Port Talbot, SA13 3HR
DPS Name	Susanna Margaret Elizabeth Jones

Executive Summary

2. This is an application for the grant of a premises licence under the Licensing Act 2003 by Susanna Jones. The premises licence will authorise sale of alcohol both on and off the premises.
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. Monday – Sunday 09.00 – 22.00

Supply of Alcohol (On and Off Sales)

10. Monday – Sunday 09.00 – 22.00

Licensing Objectives

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

General

12. Signage, CCTV, Training Courses, Challenge 25 Scheme, Litter Bins.

Prevention of Crime and Disorder

13. I will have posters stating drug use on the premises will lead to prosecution.
14. I also already have CCTV in place.

Public safety

15. We have fire exits and fire extinguishers on the premises.

The prevention of public nuisance

16. There will be signs outside of the premises asking customers to respect the residents and our surrounding area.
17. We have a litter bin outside the shop to prevent any unnecessary littering, we also have CCTV.

The protection of children from harm

18. Myself and staff are fully trained in the challenge 25 scheme.
19. This will be adhered to at all times.

Relevant Representations

20. Nick Bailey - South Wales Police
21. The above representation is reproduced at Appendix 1

22. Peter Malough - Legal Regulatory Services
23. The above representation is reproduced at Appendix 2

Officer Report

24. The application is to authorise the sale of alcohol.
25. Representations have been received from South Wales Police and Legal Regulatory Services who requested additional conditions be attached to the licence.
26. The applicant has agreed to all the conditions requested.

Legal Impacts

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

Risk Management

28. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

32. The decision is for immediate implementation

Appendices

- 33. Appendix 1 - South Wales Police Representations
- 34. Appendix 2 - Legal Regulatory Services Representations

List of Background Papers

- 35. Application for the grant of a premises licence
- 36. Neath Port Talbot Licensing Policy
- 37. <https://www.npt.gov.uk/media/17641/appendix-1-draft-licensing-act-policy-2021-english.docx?v=20220627093306>
- 38. 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

- 39. 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.

22nd September 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: Coluccis Kitchen & Delicatessen

Address: 60B Afan Road, Duffryn Rhondda, SA13 3ET

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

Supply of Alcohol (On sales only): 09.00hrs to 22.00hrs Daily

Hours open to the public: 09.00hrs to 22.00hrs Daily

This application is submitted by Susanna JONES, for the grant of a premises licence to enable the applicant to sell alcohol for consumption on the premises, which is described as a takeaway deli with a small gift shop that has a seating area.

I draw your attention to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. Paragraph 1.4 of the Guidance stated the promotion of the statutory objectives is a paramount consideration at all times.

The application is seeking licensable activities consistent with running a small business primarily operating as a delicatessen, and the terminal hour requested will not, I believe, impact negatively on the wider night time economy, and appear to have been considered in line with sect 5.4 of the NPT Licensing Policy 2021 in that the hours are “appropriate to their particular local environment”.

Having looked at the operating schedule submitted I notice that the conditions mentioned are in the form of bullet points and I am aware that another responsible authority has reached agreement with the applicant on more detail about the wording of the conditions proposed in the operating schedule, so I do not feel it necessary to cover the same areas.

I would request the following additions outlined below prior to the grant of this licence should this application be successful, which I believe supports the CCTV & Challenge 25 conditions already agreed;

The Prevention of Crime & Disorder:

The operating schedule does refer to the provision of CCTV, so I would ask that the following be added;

1. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member shall be able to show and provide Police or authorised officer recent data or footage with the absolute minimum of delay following a lawful request.

The operating schedule does refer to a Challenge 25 policy, but there is no mention of any method of recording any refused sales, whether to customers who cannot prove their age or for any other reason, such as their being drunk so I would request that the following also be added;

The Protection of Children from Harm:

2. 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 are open.

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 Susanna JONES become the DPS of the premises but there is no personal licence number included. Can she confirm whether she has been issued a personal licence yet, and if not, who will be the DPS? If she 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 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

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

Sent: 21 September 2022 14:09

To: Legal Regulatory Services <lrs@npt.gov.uk>; Sarah Bartle <s.bartle@npt.gov.uk>

Subject: Grant of premises licence - Coluccis Kitchen & Delicatessen, 60B Afan Road, Duffryn Rhondda,

An application has been made by Suzanne Jones for a premises called Coluccis Kitchen & Delicatessen, 60B Afan Road, Duffryn Rhondda, Port Talbot, SA13 3ET

The applicant has described the premises as a takeaway with small gift shop and seating area.

The applicant proposes to supply alcohol Monday to Sunday from 09.00 until 22.00 hrs both on and off the premises.

Having looked through the application I want to ensure that the conditions outlined in the operating schedule are proportionate and enforceable.

In order to promote the licensing objectives and ensure this licence reflects what is proposed I request that the below conditions are attached to the licence:-

1. 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 & be capable of providing pictures of evidential quality in all lighting conditions particularly facial identification. The CCTV recordings must be correctly timed and date stamped & retained for a period of 31 days and made available for viewing by the Police or an authorised Officer of the Legal Regulatory Section on request.

2. The system must provide coverage of the following areas:-

- The entrances and exits to the premises;
- The interior public areas of the premises;

3. 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 an authorised officer of the Police or Local Authority.

4. 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 should be restricted to:-

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

5. Signage shall be displayed in a prominent position within the premises informing of the Challenge 25 policy.

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

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.

If you would like to use Welsh when dealing with the Council please click [here](#)

Os hoffech ddefnyddio'r Gymraeg wrth ddelio â'r Cyngor os gwelwch yn dda cliciwch [yma](#)



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Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn mewn camgymeriad, dylech hysbysu'r person a anfonodd yr e-bost ar unwaith. Hefyd, sylwer nad oes unrhyw sicrwydd nad yw'r e-bost hwn neu unrhyw ymgysylltiad yn rhydd o firws ac nad yw chwaith wedi'i ryng-gipio na'i newid.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Sub Committee

17th October 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Neath North

Application to vary 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	Corner House
Premises Address	44 The Parade Neath SA11 1RN
Applicant Name's	Jamie Harris
Applicant Address	5 Clos Rhosyn, Llanharry, Pontyclun Rhondda Cynon Taff, CF72 9WH
DPS Name	Jamie Harris

Executive Summary

2. This is an application for the variation of a premises licence under the Licensing Act 2003 by Jamie Harris in respect of the Corner House, 44 The Parade, Neath, SA11 1RN.
3. The application proposes to vary the licence to allow live music in the beer garden from 1st April to 30th September every Friday, Saturday and Sunday.
4. Representations have been received in respect of the application from South Wales Police, Neath Port Talbot Council's Environmental Health Section and Legal Regulatory Services Section.
5. There have been discussions between the applicant and responsible authorities in an attempt to negotiate an agreed position, but there are still areas where an agreement has not been established.

Background

6. The Licensing Act 2003 requires that any person wishing to vary their premises licence must submit an application to the Licensing Authority.
7. An application to vary 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.
8. 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.
9. Where representations are received (and not withdrawn) the Licensing Authority must hold a hearing to consider the representations before determining the application.

Licence Application

10. The application is to permit live music in the beer garden on 1st April to 30th September every Friday, Saturday and Sunday.
11. All other activities and times on the existing licence will remain the same.

Licensing Objectives

The following information has been provided by the applicant.

General

12. We follow all steps as standard.

The prevention of crime and disorder

13. We have joined the Neath Business Crime Reduction Partnership (BCRP).
14. Head door man wears a body cam.
15. All door staff and manager have radios.
16. CCTV in operation.

Public safety

17. We've employed an external door supervision company.
18. We use plastic vessels from 10pm as standard, if its busier earlier then we start using these earlier.
19. Door staff are stationed at key points in the venue with one door man checking the entire venue every 30 minutes.
20. An external company has completed a fire risk assessment.
21. All fire exits are lit.
22. First aid box on site.

The prevention of public nuisance

23. There are notices within the venue to be respectful of our neighbours.
24. All music is shut off as per licence.
25. Door and windows are closed at 00:00 at present.
26. No DJ or Live Entertainment.

27. Smoking area will be supervised by a member of door staff at all times.
28. No drinks permitted in the smoking area.
29. Door to smoking area fitted with power arm closure.

The protection of children from harm

30. Any children must be off the premises by 7pm.
31. Children must be supervised at all times, or the parents and children will be asked to leave

Existing licence

32. Supply of Alcohol both on and off the premises

33. Sunday - Friday: 12.00 - 02.00

34. Saturday: 12:00 - 03:00

35. Live Music Indoors

36. Monday - Sunday: 12.00 - 02.00

37. Recorded Music Indoors

38. Sunday - Friday: 12.00 - 02.00

39. Saturday: 12:00 - 03:00

40. Dancing

41. Monday - Sunday: 12.00 - 02.00

42. Opening Hours

43. Sunday - Friday: 12.00 - 02.30

Saturday: 12:00 - 03:30

Existing conditions

- 44. No children after 21.00.
- 45. All windows and doors to the room where amplified music is played must be kept closed, with the exception of one set of doors to the beer garden shown on the existing plan, that are nearest to the DJ console, may be open between 1st April to 30th September each year between the hours of 8.00pm and 12.00 midnight.

(The above amended condition was imposed after an appeal to the Magistrates Court on the 10th June 2008)

- 46. The premises licence holder must:-

Provide and maintain a CCTV System which is operational at all times when the premises is open to the public. The system must provide coverage of the following areas:-

- a) The external perimeter of the premises;
 - b) The entrances and exits to the premises;
 - c) The interior public areas of the premises; in particular those areas that cannot be observed from the bar servery.
- 47. The CCTV tapes must be retained for a period of 28 days and made available for viewing by the Police or an authorised Officer of the Licensing Authority on request.
 - 48. 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.

49. Where drinks are likely to be consumed in the open air e.g. beer gardens, toughened or plastic vessels must be provided.
50. 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.
51. All staff must be trained and aware of the emergency evacuation procedure.
52. Transferred Conditions: Justices On/Off Licence
53. On Licence Embedded Restrictions Permitted Hours
54. Alcohol shall not be sold or supplied except during permitted hours.
55. In this condition, permitted hours means:
56. a) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day.
57. Restrictions
58. The above restrictions do not prohibit:
59. a) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises; e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
60. b) the sale of alcohol to a trader or club for the purposes of the trade or club;
61. c) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
62. d) the taking of alcohol from the premises by a person residing there; or
63. e) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

64. f) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of alcohol so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
65. Public Entertainment Licence
66. Maximum Permitted Number:
67. Ground Floor Only - 220
68. An incident book will be maintained and be accessible to the Police and Authority Licensing Officers on request
69. A refusals book shall be maintained recording the date and time of all attempts by persons under the age of 18 to purchase alcohol. The book shall be made available for viewing by the Police and Authority Licensing Officers on request.
70. A counting system shall be used at the entrance/exits of the premises.
71. On Friday and Saturdays there shall be 1 door supervisor present from 22:00 hours and 3 door staff present from 23:00 hours.
72. The premises shall join the Neath Business Crime Reduction Partnership and participate in the Nite Net Radio Scheme

Relevant Representations

73. Nick Bailey - South Wales Police
74. Peter Malough - Legal Regulatory Services (Licensing)
75. Calum Lewis - Environmental Health
76. The above representations are reproduced at Appendix 1, 2 and 3 accordingly.

Officer Report

77. The application seeks to permit live music in the beer garden every Friday, Saturday and Sunday from 1st April to 30th September.
78. Representations have been received from the Police, Legal Regulatory Services (Licensing) and Environmental Health, who raised concerns in regard to the potential increased noise nuisance.
79. There have been discussions between the applicant and responsible authorities in an attempt to negotiate an agreed position, but there are still areas where an agreement has not been reached.

Legal Impacts

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

Risk Management

81. Not Applicable

Consultation

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

Recommendation

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

Reasons for Proposed Decision

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

Implementation of Decision

85. The decision is for immediate implementation

Appendices

86. Appendix 1 - South Wales Police representations
87. Appendix 2 - Legal Regulatory Services
88. Appendix 3 - Environmental Health
89. Appendix 4 - Responses to police Representations
90. Appendix 5 - Responses to LRS Representations
91. Appendix 6 - Response to Environmental Health Represetions

List of Background Papers

92. Application for the grant of a premises licence
93. Neath Port Talbot Licensing Policy

<https://www.npt.gov.uk/media/14952/licensing-act-2003-draft-licensing-policy-2021.pdf?v=20210923150929>

94. 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

95. Neil Chapple
Licensing 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

N Nick Bailey,
Police Licensing Officer,
Neath Police Station.

☎ External / Allanol: 01639 640207

📱 Mobile / Ffôn Symudol: 07971 623816

nick.bailey2@south-wales.police.uk

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

16th August 2021.

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

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

Name: The Corner House

Address: 44 The Parade, Neath, SA11 1RA

I wish to submit the below representations regarding the above application. This Application is to extend the permitted hours for providing regulated entertainment in the beer garden from the current terminal hour of 23:00hrs allowed under de-regulation, to a new terminal hour of 01:00hrs.

In the application the applicant has stated that they 'like to extend the music in our beer garden from 00:00hrs to 01:00hrs giving us an extra hour' which is strange given that the current de-regulation only allows for music up until 23:00 hrs after which it needs to be authorised by the premises licence. There is no such authorisation in place for this premises and so the use of a DJ outside until 00:00hrs would constitute unauthorised licensable activity.

I draw your attention to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 as amended in 2018. Paragraph 1.4 of the Guidance stated the promotion of the statutory objectives is a paramount consideration at all times.

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.



Section 17 of the Crime and Disorder Act 1998 requires both Police and Local Authorities in the exercising of their functions to have due regard to the likely effect upon crime and disorder in its area and to do all they can to reasonably prevent crime and disorder.

Unfortunately prior to the submission of this application, South Wales Police were not consulted, as recommended in section 8.46 of the 182 guidance, to identify the local issues and discuss the relevant concerns which is especially surprising, given that the applicant wants to extend the hours for regulated entertainment outside with a DJ playing until 1am in the morning with 2 hotels directly opposite the premises and flats nearby.

Had any such consultation taken place I would have been able to advise the applicant that any request to extend the provision of music outdoors beyond 23:00hrs would likely to meet with opposition.

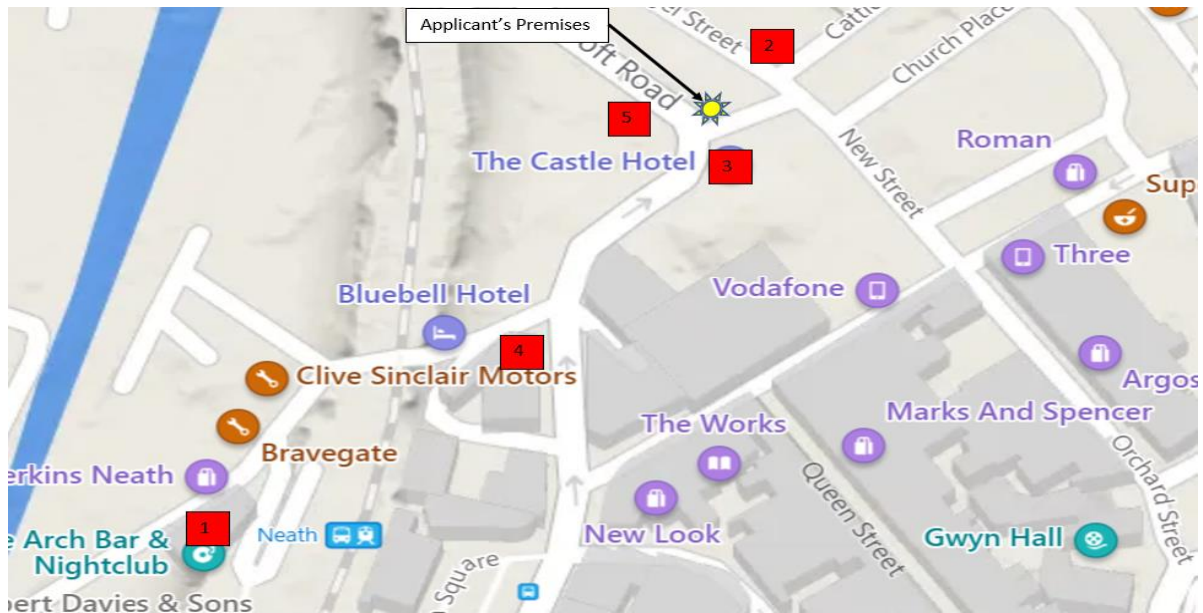
I can understand, from a business perspective, that this decision is driven by a wish to provide a service to customers that would, as stated in the application rationale, remove the need for them to leave this premises and go to another to spend money elsewhere to continue their evening.

I believe this rationale is flawed as the current licence allows for live and recorded music indoors until 2am Sunday to Friday and until 3am on Saturdays so I do not see how the addition of music outdoors would be any encouragement to customers to stay as music is already available until way beyond the hours requested in the application.

The major concern is that such an extension of hours can only lead to an increase in noise into the early hours of the morning for both the premises in the immediate vicinity, which includes residential properties above shops and residents in hotels directly opposite this premises.

Whilst each application must be judged individually it is worth noting that no other licensed premises in Neath has the facility to provide music outside after 11pm as permitted by government de-regulation, in fact as outlined by the image below there are 5 other premises, all within 160m, that actually have conditions limiting the opening of doors & windows after 11pm to prevent noise nuisance, let alone allowing any of them to provide music outside after that time giving, I believe, a clear message of what is considered a 'reasonable' terminal hour for outdoor music.





Looking at the application itself there are some areas that I find confusing, namely the applicant is applying for a change to allow 'live music' to be played outside until 1am but is not applying for any change to either the hours or location of 'recorded music' being played.

In the section 8 of the application which covers live music the explanation of the type of activity to be authorised says that there will be a DJ in the garden playing controlled amplified music.

There is debate about what type of entertainment a DJ is providing but Poppleston & Allen, who are nationally acknowledged as being specialist in licensing law and its interpretation, state in an article published in May 2015 that a DJ is not generally considered to be providing live music so I do not understand how exactly, with an increase in live music, the applicant is going to be able to utilise the extension they are asking for with a DJ.

I would therefore request that the applicant provides some further explanation as outlined;

- Exactly what entertainment is the applicant intending to provide and why do they feel this sits within the category of live music.

Moving on from whether they have applied for the correct extension to permit them to operate as they, or where they wish to have music played and until what time, there is the issue of how they intend to prevent any such music causing a noise nuisance to local residents becomes the central issues.

The Live Music Act 2012 deregulated music played between 8am – 11pm, meaning that the premises licence conditions such as “windows and doors to closed when regulated entertainment is provided” no longer applied between those hours. I believe, however, that the key time to consider is the terminal hour selected of 11pm, after which the legislation allows for conditions on a premises licence to again apply to regulated entertainment and the probable reason for that terminal hour.

I believe that 11pm was chosen as, after that time due to the drop in other ambient noise, any loud noise would not be diluted, or negated by other ambient noise such as traffic noise or noise from shops or pedestrians.

I do not hold professional qualifications in the area of noise pollution but even as a lay observer, I can see that playing music in the open air until 1am with the noise is not contained in any way will mean that it is likely, due to reduced ambient noise at that time of the morning, to cause noise nuisance bearing in mind that for the vast majority of people staying in hotels adjacent to this premises, this is a time when they will be sleeping.

The lack of any sound reducing materials can only mean that any noise will not be contained and yet the only relevant measure that the applicant mentions are designed to prevent noise from customers, by the use of signage requesting them to leave quietly, that windows and doors are closed at midnight, both of which are irrelevant when considering preventing noise leakage from music outside and that the sound level will be lowered after midnight.

It beggars belief that the applicant does not try to address further the possibility that a DJ playing music in the open air until 1am is likely to impact the local environment and I can only surmise that either they are not bothered by any noise caused, or if music is played outside there is no possible way to restrict noise leakage other than to remove the noise source, which is the opposite of what is being applied for.

Knowing the applicant as I do as a responsible operator, I can only assume that it is the second reason, and the fact that there is no mention of any method of preventing noise leakage is telling as, I believe, it also shows that the applicant is aware that there is nothing that can be done to limit noise leakage.

If this is the case it begs the question if nothing can be done to prevent significant noise leakage how can this application be granted.

I am not aware of any noise complaints relating to this premises over the past 12 months between 11pm and 1am but this may well be because, as the applicant states, they have stopped the music in line with the authorisation given under their current licence.

Any scheme/attraction that draws additional footfall to a premises increases the risk of alcohol related incidents as customers interact and are more likely at the end of the night than at the beginning due to the levels of alcohol consumed by this point.

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.



I would request that this application is refused as I believe that to allow music outside in the beer garden until 1am will undermine the licensing objectives of preventing crime & disorder and of preventing public nuisance.

I have not suggested any additional measures that the applicant could put in place to prevent noise as the Environmental Protection Act 1990 sect 79 (1) (g) deals with noise emitted from premises which is deemed to be a noise nuisance and, as experts in this field, the Environmental Health Dept. would be better qualified than I to understand whether any measures are available that would prevent music from a DJ becoming a noise nuisance.

Respectfully submitted.

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.
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Mae'r dudalen hon yn fwriadol wag

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

Sent: 16 August 2022 11:41

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

Subject: Application to Vary a Premises Licence - The Corner House, 44 the Parade, Neath

Dear Sir

An application has been made by Jamie Harries of the Corner House, 44 The Parade, Neath, SA11 1RN to vary their licence to permit live music in the beer garden until 01.00 hours every Friday, Saturday and Sunday between April and September.

The beer garden does form part of the premises licence however the plan outlines that the entertainment area is limited to the indoor part of the premises only.

As a result of deregulatory changes to The Licensing Act (including the Deregulation Act 2015 and the Legislative Reform (Entertainment Licensing) Order 2014) the applicant does currently allow DJ's to play in the beer garden area. This exemption permits a performance of amplified live and recorded music to be played between 08.00 hours and 23.00 hours on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Licensed premises have significant potential to impact on people living and working in the area and it is important when considering applications to establish what the potential effects on the licensing objectives will be.

Any premises that wish to provide entertainment outside could cause noise nuisance and it is up to the applicant to outline how it will overcome this by detailing control measures within their operating schedule.

Very little has been written in the operating schedule in respect of appropriate control measures that may be put in place to mitigate the potential risks of public nuisance occurring.

Any conditions/control measures put forward in an operating schedule need focus on matters which are within the control of the licence holder and if we have a situation where no conditions are appropriate consideration must be given to if it is suitable for the licence to be varied.

It is worth recognising that this premises is situated within a busy night time economy and there are many premises that can operate until the early hours of the morning some as late as 03.00 hours; however the important factor here is none of these premises have music permitted outside until 01.00 hrs.

It is also worth noting there are also premises located on The Parade that have conditions regarding windows and door being closed which were attached to help promote the licensing objectives for those premises. If this licence were to be approved we could have a situation where those conditions would no longer be appropriate or really enforceable.

Looking at our complaints folder we don't have many that relate to noise nuisance from this premises.

We have had 2 historic anonymous complaints regarding music levels back in July 2014 and September 2016 with the most recent complaint made in August 2019 when it was alleged customers leaving the premises were too loud.

Tudalen31

The lack of complaints made is a positive sign and shows that the premises when operated under its current authorisation doesn't lead to complaints being made. However allowing a premises to provide DJ's outside until 1am does concern me particularly with the lack of mitigating measures outlined in the application and I believe this could undermine the licensing objectives.

I wish to submit a representation based on the prevention of public nuisance objective and seek further clarification on the points mentioned below:-

1. There is a condition attached to this licence which says:-
All windows and doors to the room where amplified music is played must be kept closed, with the exception of one set of doors to the beer garden shown on the existing plan, that are nearest to the DJ console, may be open between 1st April to 30th September each year between the hours of 8.00pm and 12.00 midnight.
(The above amended condition was imposed after an appeal to the Magistrates Court on the 10th June 2008)

If the applicant wants to operate until 01.00 hours the set of doors leading to the beer garden should be closed, this wouldn't be manageable with the above condition already on the licence. Does the applicant also wish to amend this condition so these doors can be open until 01.00hrs?

2. The applicant has proposed to have DJs in this area and selected Live Music to be extended until 01.00hrs. I note that recorded music has not been requested as part of this application so assume the applicant will be employing DJs who are mixing records together creating live music?

3. If this licence were to be granted consideration needs to be given to how this will affect the licensing objectives. What control measures could the applicant put in place to further promote the licensing objectives to prevent noise nuisance?

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

From: Calum Lewis <c.lewis6@npt.gov.uk>
Sent: 11 August 2022 14:12
To: Peter Malough <p.malough@npt.gov.uk>
Cc: Legal Regulatory Services <lrs@npt.gov.uk>
Subject: RE: Minor Variation – Corner house, Neath

Good afternoon,

In accordance with the four licensing objectives, I have concerns regarding the variation for the reasons stated below:

The prevention of public nuisance:

The reduced background noise levels during night time hours make it more likely that amplified music will cause a disturbance. Noise sensitive receptors are at greater risk of disturbance due to the reduced background levels after 23:00pm.

Allowing amplified music outdoors past the current licensable hours increases the likelihood of noise outbreak causing disturbing to nearby sensitive receptors.

Kind regards,

Calum Lewis

Environmental Health Officer / Swyddog Iechyd yr Amgylchedd

Planning & Public Protection/ Cynllunio a Diogelu'r y Cyhoedd

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

 **01639685615** 

c.lewis6@npt.gov.uk

Mae'r dudalen hon yn fwriadol wag

From: Jamie Harries

Sent: 18 August 2022 12:32

To: Gareth Jones

Subject: Re: Application to vary premises licence - The Corner House, Neath

Hi Gareth

Hope your well

When I applied for the variation. There was nothing stating I would need to contact the police. When Sarah contacted me there's was no mention of contacting the police either. Otherwise I would have

The garden is to the rear of the property and will not affect any of the hotels

Firstly in regards to the hotels.

Castle hotel

They have 2 bars and function rooms playing music till 1am vibrating through the venue

Ambassador hotel

Have music playing till 2am with all windows and doors open. Again vibrating through the venue

The music that is played outside is completely different to the music played indoors and draws a different crowd. To assume it won't make no difference is ridiculous. There is no police presence in town as it is and they are certainly not familiar with the crowd I have at the venue and what would work best for my business

I was advised by Sarah to apply using live music as apparently is covers recorded music after she suggested it. I questioned it and she said it was covered

The Dj is not playing in the open air. The DJ will be under the pagoda which covers a good portion of the garden with the speakers facing the outdoor kitchen to reduce the levels of sound

In regards to anti social behaviour wether your inside the venue or in the venue garden anti social behaviour can happen anywhere. People can literally leave a venue whether they are inside or outside. Walk down the street and cause trouble. So there's no difference in my eyes

When there is a beer festival in town there are literally loads of people walking around town screaming shouting and being loud but that's ok.

The extension is applied for is 2300 to 0100

I noticed Nick mention the government deregulation and stating 11pm for outdoor music to stop being played

I would like to know why bars in Swansea are allowed to play music till 1am externally ? As they are surely covered by the same government

There are other venues such as the arch where there is trouble with door staff fighting the customers and even the sad chap who lost his life and I don't believe anything has been done with them. Surely that would have the license reviewed. It might have. Who knows

However. Noise or noise pollution can only be a nuisance if someone who lives near by complained but as Nick said. He's not aware of any complaints over the last 12 months and as the the restriction was imposed in 2008 I don't believe it's relevant anymore

Thanks
Jamie

From: Jamie Harries
Sent: 19 August 2022 12:38
To: Legal Regulatory Services <lrs@npt.gov.uk>
Subject: Re: Corner House

Hi Peter

Thanks for taking the time to give me a call yesterday

I just want to give you some incite to your questions

1. There is a condition attached to this licence which says:-

All windows and doors to the room where amplified music is played must be kept closed, with the exception of one set of doors to the beer garden shown on the existing plan, that are nearest to the DJ console, may be open between 1st April to 30th September each year between the hours of 8.00pm and 12.00 midnight.

(The above amended condition was imposed after an appeal to the Magistrates Court on the 10th June 2008)

If the applicant wants to operate until 01.00 hours the set of doors leading to the beer garden should be closed, this wouldn't be manageable with the above condition already on the licence. Does the applicant also wish to amend this condition so these doors can be open until 01.00hrs?

So as I understand it, we are to close the doors to the beer garden at 00:00 to reduce the sound of the music, To me that means I cannot wedge the door open after 00:00 as customers still sit in the beer garden as it's also the smoking area, the condition does not state that customers cannot use the garden, it simply states the door must be closed.

Im happy to keep the condition in place as I do not want the music from inside to clash with outside, currently there is a member of the door team that closes the door and ensure it remains closed (but used) and no customer wedges it open

2. The applicant has proposed to have DJs in this area and selected Live Music to be extended until 01.00hrs. I note that recorded music has not been requested as part of this application so assume the applicant will be employing DJs who are mixing records together creating live music?

There will be a DJ mixing records in the beer garden to create live music

3. If this licence were to be granted consideration needs to be given to how this will affect the licensing objectives. What control measures could the applicant put in place to further promote the licensing objectives to prevent noise nuisance?

There will be a number of control measures in place for the garden area

- There will only be access to the beer garden from the front, there will be door security positioned on the gate to ensure no entry

- Customers will be permitted to leave via this exit and all numbers will be communicated to the front door team to ensure we do not go over our capacity
- There is a pagoda structure in the garden, this is where the DJ will be based with speakers facing the outdoor kiosk which is located away from the road and this will help subdue the music
- There will be frequent checks to ensure the music is not too loud, this will be done every 45 mins and will be done by a manager/supervisor who will physically stand in the garden and listen to the music and act accordingly if needed
- We can also use a decibel reader and record the output every 45 mins and make a record of this if needed
- The DJ is fully aware that the music cannot be too loud after 11pm and will work with us to ensure this happens, he understands he gets paid to DJ and if the volume is too loud and there are complaints, we will have to stop the sessions and he will not get paid

We are fully aware of previous complaints before I took over the venue, we have always taken this into consideration and acted if needed. There have been no noise complaints since I have taken over because we actively monitor levels of noise.

There are other venues, which do not follow the conditions and time and time again they get away with it, leaving their windows and doors open till 2am, breaching covid rules, as I have said before, we have followed all conditions, all covid rules and all licensing objectives and have been commended for our work by Leanne Jones (councillor) and Nick Baily (Police)

If you need anything further please get in touch

Thanks

Jamie

From: Jamie Harries
Sent: 11 August 2022 15:47
To: Legal Regulatory Services <lrs@npt.gov.uk>
Subject: Re: FW: Minor Variation - Corner House, Neath

Hi

However. We have not had any complaints. We have followed all rules. All licensing objectives. We have followed all rules during covid. When other venues haven't.

There are other venues around with windows wide open with music blasting down the street till 2am. Nothing has been said to these businesses. The fact that they still do this clearly shows that music is not noise pollution.

It is an assumption that it will cause a noise nuisance and not based on anything current

The license has not been revived since 2008 and it's wrong to assume nothing has changed and just give a standard concern regarding noise

As a business. We have to adapt to survive which is what we are doing.

Thanks
Jamie

Mae'r dudalen hon yn fwriadol wag