



LICENSING AND GAMBLING ACTS COMMITTEE

10.00 AM - MONDAY, 10 JULY 2023

**MULTI LOCATION HYBRID MICROSOFT TEAMS/COUNCIL
CHAMBER**

Webcasting/Hybrid Meetings:

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1. Chairpersons Announcements
2. Declarations of Interest
3. Minutes of previous meetings of the Licensing and Gambling Acts Committee and the Licensing and Gambling Acts Sub Committee
(Pages 3 - 20)
4. Urgent Items
Any urgent items at the discretion of the Chairperson pursuant to Section 100BA(6)(b) of the Local Government Act 1972 (as amended).

K.Jones
Chief Executive

Civic Centre
Port Talbot

Tuesday, 4 July 2023

Committee Membership:

Chairperson: Councillor A.J.Richards

**Vice
Chairperson:** Councillor J.Henton

Members: Councillors W.Carpenter, A.Dacey, H.Davies,
D.Lewis, A.Lodwig, S.Paddison, S.Renkes,
S.Thomas, D.Whitelock, L.Williams, R.G.Jones,
R.W.Wood and D.M.Peters

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

Licensing and Gambling Acts Committee

(Multi Location Hybrid Microsoft Teams/Council Chamber)

Members Present:

24 May 2023

Chairperson: Councillor A.J.Richards

Vice Chairperson: Councillor J.Henton

Councillors: W.Carpenter, A.Dacey, H.Davies, D.Lewis,
A.Lodwig, S.Paddison, S.Renkes, S.Thomas,
D.Whitelock, L.Williams and R.G.Jones

Officers In Attendance S.Curran and C.Griffiths

1. **Appointment of the Licensing and Gambling Acts Sub Committee**

- RESOLVED:**
- (a) that the appointment of the above Sub Committee for the Civic Year 2023/24, comprising 3 places, for the purpose of the functions as set out in the Constitution, be approved;
 - (b) that the Sub Committee Membership be affirmed as set out the report of the Council meeting of 24th May 2023 and that the other arrangements as set out in that report be also affirmed;
 - (c) that the following Members be appointed as Chair and Vice Chair of the Sub Committee respectively:-

Councillors A.Richards and J.Henton

CHAIRPERSON

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EXECUTIVE DECISION RECORD

LICENSING AND GAMBLING ACTS COMMITTEE

17 OCTOBER 2022

Cabinet Members:

Councillors: A.J.Richards (Chair), J.Henton (Vice Chair), W.Carpenter, M.Crowley, A.Dacey, K.Morris, S.Paddison, S.Renkes, S.Thomas, D.Whitelock and L.Williams

Officers in Attendance:

P.Malough, N.Chapple, G.White, S.McCluskie, A.Thomas.

1. CHAIRPERSONS ANNOUNCEMENTS

The Chair welcomed all to the meeting.

2. MINUTES OF THE PREVIOUS MEETING - LICENSING AND GAMBLING ACTS 7TH JUNE 2022

The minutes of the previous meeting, Licensing and Gambling Acts Committee 7th June 2022, were approved.

3. MINUTES OF THE PREVIOUS MEETING - LICENSING AND GAMBLING ACTS SUB 28TH JUNE 2022

The minutes of the previous meeting, Licensing and Gambling Acts Sub Committee 28th June 2022, were approved.

4. MINUTES OF THE PREVIOUS MEETING - LICENSING AND GAMBLING ACTS SUB 11TH JULY 2022

The minutes of the previous meeting, Licensing and Gambling Acts Sub Committee 11th July 2022, were approved.

5. **MINUTES OF THE PREVIOUS MEETING - LICENSING AND GAMBLING ACTS SUB 15TH AUGUST 2022**

The minutes of the previous meeting, Licensing and Gambling Acts Sub Committee 15th August 2022, were approved.

6. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

7. **URGENT ITEMS**

No urgent items were received.

8. **MINOR VARIATION POSITION ON DOOR SUPERVISORS**

Members were asked for approval for officers to determine minor variation applications, as set out in the circulated report pack, which remove conditions from premises licences and club premises certificates in respect of Security Industry Authority (SIA) registered door supervisors.

RESOLVED:

Members were in agreement to **APPROVE** the report, where officers are granted utilisation of the minor variation process, and only make such determinations where there are no representatives in respect of the application from any of the responsible Authorities.

CHAIRMAN

EXECUTIVE DECISION RECORD

LICENSING AND GAMBLING ACTS SUB COMMITTEE

6 MARCH 2023

Cabinet Members:

Councillors: A.J.Richards (Chair), J.Henton, S.Paddison

Officers in Attendance:

N.Chapple, G.White and S.McCluskie

1. **CHAIRPERSONS ANNOUNCEMENTS**

The Chair welcomed everyone to the meeting.

2. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3. **URGENT ITEMS**

There were no urgent items.

4. **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - EV STORES BAGLAN**

Members were asked to consider an application made by the following representative,

Premises Name	LV Store
Premises Address	Shop 4, 32 Church Lane, Baglan, Port Talbot SA12 8ST
Applicant Name's	Mr Jeyapalan Elavarasan
Applicant Address	14 Luton Terrace, Llanelli, SA15 4HR
DPS Name	Mr Jeyapalan Elevarasan

A typo error within the report was highlighted in terms of the premises address. The Committee were informed the premises address should read Church Road, as opposed to Church Lane.

Decision:

The Sub-Committee *Resolved* to *Approve* the application to grant the Premises Licence, subject to conditions consistent with the operating schedule, and as considered appropriate for the promotion of the Licensing Objectives.

CHAIRMAN

EXECUTIVE DECISION RECORD

LICENSING AND GAMBLING ACTS SUB COMMITTEE

30 JANUARY 2023

Cabinet Members:

Councillors: J. Henton (Chair), S. Paddison and A. Dacey

Officers in Attendance:

N. Chapple, P. Malough, G. White, S. McCluskie and T. Davies

1. **DECLARATIONS OF INTEREST**

The Chair welcomed everyone to the meeting.
No declarations of interest received.

2. **CHAIRPERSONS ANNOUNCEMENTS**

The Chair was in agreement and notified everyone, the meeting would take an adjournment for the Applicant and the Licence Holder to discuss further details of the proposed conditions.

3. **URGENT ITEMS**

There were no urgent items.

4. **APPLICATION FOR THE REVIEW OF A PREMISES LICENSE - OTHER PLACE, PONTARDAWE.**

Members were asked 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

The Sub-Committee ***Resolved*** that in determining the review the conditions of the Premises Licence should be ***Modified***, pursuant to s52(4)(a) of the Licensing Act 2003, with additional conditions in support of the Licensing Objectives.

To be removed (from Annex 2)

The following conditions to be removed from the Premises Licence, namely:

- a. Condition 2 – Ensure that all windows and doors are kept closed whilst amplified music is being played; and
- b. Condition 4 – Provide a sound limitation device which is operational whenever amplified music is being played.

To be attached (to Annex 3)

The following conditions will be added to the Premises Licence, namely:

- a. By virtue of s177A of the Licensing Act 2003, the conditions of the Premises Licence relating to regulated entertainment shall be in force between 08:00 and 23:00 hours.
- b. 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.
- c. There shall be no regulated entertainment, in the form of live or recorded music (“***Entertainment***”), at the Premises until such time that the Premises 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 the supporting evidence that the requirements have been complied with, shall be provided to the Local Authority for written approval prior to the commencement of Entertainment.

To comply with the above, the following criteria must be met:

- i. The Noise Impact Assessment 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.
- ii. The methodology of the Noise Impact Assessment shall accord with current UK guidance, and British Standards, and agreed with the Local Authority in advance of the Assessment commencing.
- iii. 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.

There shall be no Entertainment, whether regulated or within the auspices of the Live Music Act 2012 de-regulation, in the form of live or recorded music at the Premises' front bar until such time that the Premises 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 that Assessment are implemented.

To comply with the above, the following criteria must be met:

- i. The Noise Impact Assessment 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.
- ii. The methodology of the Noise Impact Assessment shall accord with current UK guidance, and British Standards, and agreed with the Local Authority in advance of the Assessment commencing.
- iii. 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.

In the event a significant change to the local noise environment occurs, the Premises Licence Holder's acoustic consultant will carry out a further ambient Noise Impact Assessment. For the avoidance of all doubt, it is not expected that the ambient noise levels will alter year after year.

Entertainment shall be permitted in line with the Noise Impact Assessment. All entertainment in the back bar is subject to the agreed Noise Management Plan, and delivered via the noise limiter set at an agreed level with the Environmental Health Section.

Entertainment, in the back bar, must take place between the hours of 19:00 and 22:30 hours, and only one event to take place per calendar month. No event shall occur on consecutive weekends with the exception of the month of December, where two events will be permitted to take place, but not on consecutive days. *Please note: in pursuance with Regulation 33 of the Licensing Act 2003 (Hearings) Regulations 2005, the Council has corrected an error arising in the Decision Notice (3 February 2023) from an accidental slip or omission. For the avoidance of all doubt, and to make clear, the words, “in the back bar”, have been inserted, as agreed on 30 January 2023.*

A Noise Management Plan – one each for the front and back bar – shall be submitted for examination and written approval by officers of the Local Authority. The approved Noise Management Plan shall be observed and complied with in full. The control measures stipulated within the Noise Management Plan shall be implemented at all times whilst the Premises is operating with entertainment. The Noise Management Plan shall:

- i. Clearly define the measures to be taken to achieve (e.g. sound propagation, calculation, mapping or similar), and ensure compliance (e.g. monitoring locations/observations) with the agreed Music Noise Level within the Premises.
- ii. Provide details of how the Premises Licence Holder proposes to ensure that noise conditions across the Premises are complied with.
- iii. Clearly define the noise monitoring arrangements and locations to be monitored, to determine compliance with the Licensing Objectives.
- iv. Consider other sensitive activities that may be affected by the event[s].
- v. Clearly define the arrangements to secure compliance with the Licensing Objectives throughout the event[s], and the organisational management to secure the same.
- vi. Detail the corrective action where/if music is perceived to have escaped inappropriately.

- vii. Clearly define the arrangements for receiving and responding to complaints from the community about noise and other issues associated with the build-up, and clearance of the Premises infrastructure and the event itself.

A written record shall be made of all complaints with the: date and time of receipt; contact details of the complainant; details of the person receiving the complaint; details of the complaint; details of the investigation made; and the date and time of any feedback provided to the complainant.

There shall be no external amplified sound in external areas of the Premises, including the beer garden and car park, save for one event weekend per annum (the “*Event*”), anticipated to be the Pontardawe festival weekend:

- i. On Friday: 18:00 – 23:00 hours.
- ii. On Saturday: 13:00 – 23:00 hours.
- iii. On Sunday: 13:00 – 23:00 hours.

Or the terminal hour of the festival, whichever is earlier.

Speakers shall not be located at the entrance and exit of the Premises, or outside the building, save for the Event.

Twenty-eight (28) days’ notice of the Event and activities will be provided to both the Environmental Health Section, and Legal Regulatory Services, of the Local Authority.

Twenty-eight (28) days’ notice of the Event and activities will be provided to all residents within the immediate vicinity of the Premises. This includes: all properties on Francis Street; and all properties up to, and including, 36 Ynysderw Road.

The Premises Licence Holder, or a nominated person, shall carry out proactive noise observations outside of the Premises, at least once an hour, whilst Entertainment is provided and take any necessary remedial action.

A written record of proactive noise observations outside the Premises shall be kept of the times, dates, any issues discovered and, where applicable, what remedial action was taken. These records shall be kept for a minimum of thirty-one (31) days. Records must be made available, upon request, for inspection to an authorised officer of the Local Authority at all times the Premises is open.

The Premises Licence Holder shall ensure that any performer (of Entertainment) is informed of the noise conditions contained within the Premises Licence. The performer will be required to comply with any instructions given to them by the Premises Licence Holder and/or the acoustic consultant.

A dispersal policy will be drawn up by the Premises Licence Holder and submitted to the Legal Regulatory Service for approval. The policy shall encompass (but not limited to) measures to: control noise; and to manage the departure of customers. Once agreed in writing by the Legal Regulatory Service, the Premises Licence Holder will implement the policy.

5. **SUPPLEMENTARY ITEMS - APPENDIX 1, 2 AND 3**

Appendix 1, 2 and 3 were reviewed as part of the circulated supplementary pack.

6. **SUPPLEMENT - NOISE CONDITIONS**

Appendix 4 of the supplementary items, were processed and published during the meeting.

CHAIRMAN

EXECUTIVE DECISION RECORD

LICENSING AND GAMBLING ACTS SUB COMMITTEE

12 DECEMBER 2022

Cabinet Members:

Councillors: S.Paddison and J.Henton (Vice Chair)

Officers in Attendance:

N.Chapple, G.White and S.McCluskie

1. **CHAIRPERSONS ANNOUNCEMENTS**

The Chair welcomed everyone to the meeting.

2. **DECLARATIONS OF INTEREST**

There were none.

3. **URGENT ITEMS**

There were none.

4. **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - OTHER PLACE PONTARDAWE.**

Members were asked 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

A quorum of three Members are required to take decisions. The Chair was advised that following an apology from one of the Sub-Committee Members (received on the morning of 12 December 2022), that the meeting was not quorate. As Item 4 consisted of a number of lengthy documents, only two Members were available, and there was not enough time for another Member of the Sub-Committee to carefully read over the documentation involved, it was concluded that it would not be fair or reasonable to hold the meeting. The meeting was not quorate and, therefore, could not go ahead, and the Items would be **ADJOURNED** to a future Sub-Committee meeting.

CHAIRMAN

EXECUTIVE DECISION RECORD

LICENSING AND GAMBLING ACTS SUB COMMITTEE

14 NOVEMBER 2022

Cabinet Members:

Councillors: J.Henton (Chair), S.Paddison, and A.Dacey

Officers in Attendance:

N.Chapple, G.White, S.McCluskie and T. Davies

1. **CHAIRPERSONS ANNOUNCEMENTS**

The Chair welcomed everyone to the meeting.

2. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3. **URGENT ITEMS**

There were no urgent items.

4. **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - MURPHYS MAIN STAGE**

Members were asked 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

Resolved:

Members were in agreement to APPROVE the application, with the agreement to the imposition of the additional conditions of detailed within the circulated report.

5. **APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - OTHER PLACE (LIVE LOUNGE)**

Members were asked 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

The Sub-Committee noted that a significant quantity of documents were duly served to the Licensing Authority on Thursday 10th November 2022. To ensure all parties have a right to a fair hearing and for all parties to carefully consider all written documentation, it was agreed by the Sub-Committee that in the interest of the public, the application would be ADJORNED to a future Committee.

CHAIRMAN

EXECUTIVE DECISION RECORD

LICENSING AND GAMBLING ACTS SUB COMMITTEE

17 OCTOBER 2022

Cabinet Members:

Councillors: A.J.Richards (Chair), J.Henton (Vice Chair), S.Paddison

Officers in Attendance:

N.Chapple, G.White and S.McCluskie and A.Thomas

1. **CHAIRPERSONS ANNOUNCEMENTS**

The Chair welcomed everyone to the meeting.

2. **DECLARATIONS OF INTEREST**

No declarations of interest were received.

3. **URGENT ITEMS**

No urgent items were received.

4. **APPLICATION FOR THE GRANT OF A PREMISES LICENCE - COLUCCIS KITCHEN AND DELI**

Members were asked 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

Resolved:

Members were in agreement to APPROVE the application, with the agreed conditions as outlined in the circulated report.

5. **APPLICATION TO VARY A PREMISES LICENCE - CORNER HOUSE
44 THE PARADE NEATH**

Members were asked 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

Resolved:

Members were in agreement to **Refuse** the application to vary the Premises Licence. The primary licensing objectives being, the prevention of public nuisance and prevention of crime and disorder.

Members concluded the measures the applicant had in place, and further proposed, would not effectively combat the noise nuisance.

6. **ENVIRONMENTAL HEALTH STATEMENT**

The statement had been reviewed, as part of the circulated supplementary report.

CHAIRMAN