

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Licensing and Gambling Acts Sub Committee

7th February 2022

Report of the Head of Legal Services – Craig Griffiths

Matter for Decision

Wards Affected: Pontardawe

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	Kitty O'Sheas
Premises Address	6 James Street, Pontardawe, SA8 4LR
Applicant Name's	Mr Peter William Rees & Mrs Eileen Rees
Applicant Address	6 James Street, Pontardawe, SA8 4LR
DPS Name	Mrs Eileen Rees

Executive Summary

2. This is an application for the variation of a premises licence under the Licensing Act 2003 by Peter and Eileen Rees in respect of Kitty O'Shea's.
3. Representations were received in respect of the application from South Wales Police, Legal Regulatory Services and Environmental Health addressing concerns they had with the new smoking shelter and requesting that additional conditions be attached to the licence.
4. There have been various 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

5. The Licensing Act 2003 requires that any person wishing to vary their premises licence must submit an application to the Licensing Authority.
6. 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.
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 application is to remove the condition "that the beer garden and any other outside area shall not be used after 23.30". They also propose to make alterations to the plan, to include a new smoking shelter area in the rear beer garden and a new emergency fire exit.
9. All activities and times on the existing licence will remain the same.

Licensing Objectives

The following information has been provided by the applicant.

General

10. Risk assessment has been carried out reviewed annually.
11. Noise Management Plan inforce reviewed annually.

The prevention of crime and disorder

12. CCTV in and around premises 14 cameras.
13. Door staff supervision at all times.
14. Door staff carry out regular bag searches on entry.

Public safety

15. No glass bottles to leave premises.
16. All drinks served in polycarbonate glasses.
17. Employees aware of the fire safety measures in particular the evacuation procedures.
18. All door staff carry radios enabling a quick response.
19. No drinks promotions.

The prevention of public nuisance

20. Customers leaving premises will be staggered to prevent public nuisance.
21. Bar closed 15 minutes prior to official closing time.
22. No DJ or Live Entertainment.
23. Smoking area will be supervised by a member of door staff at all times.
24. No drinks permitted in the smoking area.
25. Door to smoking area fitted with power arm closure.

The protection of children from harm

26. No children or any person under the age of 18 years will be allowed on the premises at any time.
27. Licensing Act 2003 apply.

Existing licence

28. Supply of alcohol both on/off premises

Monday - Thursday: 11.00 - 00.00

Friday & Saturday: 11:00 - 04:00

Sunday: 11:00 - 03.00

29. Non-Standard Timings

Christmas Eve: 20.00 - 02.00

Boxing Day: 20.00 - 02.00

Sunday of bank holidays: 20.00 - 02.00

30. Live Music Indoors

Monday to Thursday: 20.00 - 00.00

Friday & Saturday: 20.00 - 01.00

Sunday: 20.00 - 00.00

31. Non-Standard Timings

Christmas Eve: 20.00 - 02.00

Boxing Day: 20.00 - 02.00

32. Recorded Music Indoors

Monday to Thursday: 20.00 - 00.00

Friday & Saturday: 20.00 - 01.00

Sunday: 20.00 - 00.00

33. Non-Standard Timings

Christmas Eve: 20.00 - 02.00

Boxing Day: 20.00 - 02.00

34. Provision of late night refreshment Indoors

Friday to Sunday: 23.00 - 03.00hrs

35. The opening hours of the premises

Monday to Thursday: 11.00 - 00.30

Friday & Saturday: 11:00 - 04:30

Sunday: 11.00 - 03.30

36. Non-Standard Timings

Christmas Eve: 20.00 - 02.30

Boxing Day: 20.00 - 02.30

Sunday of bank holidays: 20.00 - 02.30

Existing conditions

37. Regulated entertainment shall be inaudible in any noise sensitive property

38. From midnight the front door is to be closed except for when persons are entering or leaving the premises.

39. Maximum Permitted Number: 200
40. All glasses used in the premises must be plastic.
41. Ensure free phone link to taxi proprietors is maintained and provide signage within premises advertising this facility and also that patrons should wait inside the premises for the taxi.
42. Signs to be displayed at exits requesting patrons to leave the premises quietly so as not to disturb residents.
43. No open glasses or bottles to be brought into or out of the premises.
44. Ensure regular removal of glasses/bottles from all parts of premises.
45. Ensure proper fire precautions are maintained including alarm tests, staff safety drills and maintenance of fire log book.
46. Minimum of 2 door staff be employed at the premises from 10pm until close of business on Saturday nights. Door staff must be SIA licensed.
47. A log book is to be kept at the premises which is to contain details of door persons on duty, SIA licence number of that person and their time on and off duty. The book must be kept on the premises and produced on request for Police and Licensing Authority Officers.
48. An incident book is to be kept at the premises and available for inspection on demand for Police and Licensing Authority Officers.
49. A system of CCTV cameras, digitally recording to hard disk must be installed to the quality and coverage agreed by the Police Crime Prevention Officer. All recordings must be kept for a minimum of 31 days, and copies of recordings must be produced for Police Officers and licensing officers on request.
50. The Designated Premises Supervisor will permit the Police to undertake any exercise or operation at the premise without prior notification for example the use of a drugs itemiser testing machine or drugs dog to check the premises or customers at the premises as a condition of entry.
51. The premises will use door staff, polycarbonate glasses and will employ any other facility as requested on days specified by the Police to be specially designated (e.g. Cardiff v Swansea football match).

52. The premises must be participating members of the local Pubwatch scheme and the Designated Premises Supervisor or their representative shall attend meetings of this scheme.
53. There will be no irresponsible drinks promotions.
54. Ensure noise limiter is utilised whenever regulated entertainment is provided.
55. Ensure that the levels set for the noise limiter are in accordance with those specified in the acoustic report. Noise should be inaudible in nearest noise sensitive premises (dwelling).
56. Ensure that regular monitoring is carried out to ensure no nuisance occurs.
57. Ensure that all windows and doors are kept closed whilst regulated entertainment is provided.
58. No regulated entertainment to be provided in the beer garden or any other external areas.
59. The beer garden and any other outside area shall not be used after 23.30.
60. A documented procedure must be in place to verify the age of persons 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 :-
Accredited proof of age scheme e.g. Portman Validate
Photocard driving licence or passport
61. There should be no persons under the age of 18 years admitted to the premises.

Relevant Representations

62. Nick Bailey - South Wales Police
63. Peter Malough - Legal Regulatory Services (Licensing)
64. Rachel Matthew - Environmental Health

65. The above representations are reproduced at Appendix 1, 2 and 3 accordingly.

Officer Report

66. The application seeks to remove the condition "that the beer garden and any other outside area shall not be used after 23.30". The application also seeks to amend the plan of the premises, to include a new smoking shelter in the rear beer garden and a new emergency exit.
67. 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 and requested additional conditions be attached to the licence.
68. There have been various 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.
69. The applicant has agreed to the majority of the conditions requested which are outlined below, however no agreement has been reached on the maximum number of customers permitted to use the area after 23.30 (para. 71 below).
70. The beer garden shall not be used after 23.30hrs with exception of access to, and use of, the designated smoking shelter.
71. After 23.30 hours a maximum of 4 customers only, shall be permitted within the designated smoking shelter.
72. No drinks to be taken into any outside area after 23.30.
73. A SIA door supervisor must be present and control the door allowing entry and egress to the smoking area from 23.30 until closing time
74. Prominent signs must be provided within the designated smoking shelter requesting patrons to keep quiet to minimise impact on residents.
75. A self-closing mechanism must be in place on the door leading to the designated smoking shelter.

76. The Legal Regulatory Services section have accepted the conditions proposed.
77. The Environmental Health Section have concerns with the number of customers permitted to use the smoking shelter and wish to limit this area to a maximum 2 customers.
78. Environmental Health also requested the beer garden area should close at 23.00 hours however this cannot be considered as the existing premises licence already permits this area to be used until 23.30.
79. The conditions requested by South Wales Police have been agreed however agreement has not been reached on the number of customers permitted in the beer garden after 23.30 hours.

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

List of Background Papers

- 89. Application for the grant of a premises licence
- 90. Neath Port Talbot Licensing Policy

https://www.npt.gov.uk/media/4290/licensing_licensingact_policy2016.pdf

- 91. 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

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