

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

Sent: 09 June 2022 16:46

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

Subject: Grant of Premises Licence - Pontardawe RFC

Dear Sir

An application has been made by Pontardawe RFC for the grant of a new premises licence.

The club currently have a Club Premises Certificate (CPC) however they are now having events at the club that require premises licence authorisation.

Following submission of the application a meeting was arranged at the club so we could discuss with the committee members their plans for the licence.

Officers from the Legal Regulatory Section, Environmental Health Section and South Wales Police were in attendance.

The applicant has outlined in their application the times they now wish to operate which includes having live and recorded music both Indoor/outdoors from Sunday to Thursday 10.00 – 23.30 and Friday and Saturday 10.00 – 00.30. On bank holidays Sundays they wish to provide regulated entertainment until 00.00 hours with an extension to 01.00 hours for the Pontardawe festival; this will be permitted outdoors.

In addition they also wish to supply alcohol both indoors and outdoors Sunday to Thursday from 08.00 – 00.30 and Friday and Saturday from 08.00 -01.00. They have also proposed an extension for the supply of alcohol until 01.30 hours for Pontardawe festival.

The opening hours are then 30 minutes after the terminal hour for alcohol sales.

During our meeting concerns were raised in regard to the proposal to allow regulated entertainment in all outside areas up until 00.30 hours on weekends and until 01.00 hours for the festival.

The Pontardawe festival has changed over the years and has gone from an organised event on the playing fields to a premises based event run by the pubs themselves. There has been an established

agreement since 2014 that all outside entertainment during the festival would finish at 23:00hrs. This came from meetings with the local ward members, environmental health, licensing and the police who agreed that this terminal hour is necessary for the community living in the area.

This agreement has been widely accepted by the trade.

The importance of recognising unreasonable disturbance beyond 23.00 hrs is highlighted in Section 2.19 of the Licensing Act Guidance:-

Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

The conditions put forward within the operating schedule to prevent public nuisance are :-

- 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.
- Provide prominent signs in the beer garden and any other outside area specifying the times when these areas are not to be used.
- Provide prominent signs in the beer garden and any other outside area re-requesting patrons to keep noise levels to a minimum as to minimise impact on local residents
- The placing of refuse into receptacles outside the premises shall take place at times that will minimise the disturbance to nearby properties

As the applicant could potentially have live and recorded music outside every weekend until 00.30 hours and also supply alcohol outside every weekend until 01.00 hours I think it's reasonable and proportionate to request what additional steps will be put in place to mitigate any potential noise nuisance after 23.00hrs. I don't believe the conditions outlined above go far enough when you consider the potential impact on residents.

This is highlighted in the councils licensing policy which 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.

From our meeting I don't believe it's the applicants intention to utilise the outside licence every weekend, however if the licence is approved there will be nothing stopping this from happening.

I believe allowing regulated entertainment in the outside areas particularly until 01:00 hrs for the festival would not only undermine the licensing objectives but would also undermine all the work that has been carried out by both the responsible authorities and trade. I do not support the request for any external regulated entertainment beyond 23:00 hrs.

I have reservations regarding alcohol being sold outside until 01.00 hours as again this will inevitably create some disturbance as customers will be encouraged to stay outside and drink.

The applicant has put forward within their operating schedule a condition of having 12 "special event" days, which I have outlined below:-

The premises licence holder can nominate on up to 12 occasions per calendar year, "Special Event" days, when opening hours will be extended to include all licensable activities. They will give 7 days' notice in writing to the local Police Licensing Officer and the Licensing Authority. If the Police object and give 48 hours written notice (from receipt of the notification) to the premises licence holder then the event will not take place

In order to promote the licensing objectives perhaps these event days could be used for any occasion when the premises wishes to provide regulated entertainment or supply alcohol beyond 23.00 hours outside. This will then provide some control when the outside area can be used.

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

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