

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 Where representations are received (and not withdrawn) the Licensing Authority must hold a hearing to consider the representations before determining the application.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

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