

**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.

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

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