

Archived Emails from 2021

Contents:

1. Complaint from Andrew Nicholson 6th April 2021 and continuing email thread.
2. 5th July 2021 Objection from Leah Morgan (EHO) to Minor Variation of Licence and continuing email thread
3. 20th July 2021 Peter Malough asking for Noise Management Plan
4. 22nd July 2021 Peter Malough referring to complaint of loud music
5. 6th August 2021 discussion over history of premises
6. 10th August 2021 Leah Morgan advising Noise Management Plan is too generic and summary of objection.

Archived emails 2021
1

From: Andrew Nicholson <[redacted]>
Sent: 01 June 2021 16:09
To: Legal Regulatory Services <lrs@npt.gov.uk>; Planning
Cc: Cllr. Linet Purcell <cllr.l.purcell@npt.gov.uk>; Cllr. Rebeca Phillips <cllr.r.phillips@npt.gov.uk>
Subject: RE: The Other Place
Importance: High

Dear Peter

Many thanks for your speedy response.

Thanks for putting me straight on the question relating to a licensee could be a legal body not a person.

I noticed only 30 minutes ago in the car park and continue (about 14:30) that the external bar area is still open and that the Licensee and responsible person are clearly ignoring the notice that they have no licence to sell alcohol from the car park and continue to do so. Can you please let me know what action will be taken and when it will be taken or if no action other than yet another phone call to remind they can continue to ignore the licensing law? Can I ask that my elected councillor is inform what action should be taken.

I'm Obviously unhappy that there is no responsibility over customers once that have left the door other than word from any door supervisors, which I've yet to see any staff in this role. Can you confirm that any excessive noise by their customers arriving or leaving is a noise responsibility that needs to be raised with the Environmental Health department of NPT or should it be raised via 999 and the local police force. As this contact information is to be shared with local residents I want to make that the councils advice is correct when issues arise and the appropriate response is followed

You confirm that no additional tv licence is required for its placement in the Car Park, will you confirm that as there are sound level restrictions applicable for noise within the premises, what are the relevant levels on the external TV and again which department or police need to be contacted to report any issues with its use.

Can you provide me the phone number and extension number along with any requirements for complaints to be investigated.

Many thanks

From: Legal Regulatory Services <lrs@npt.gov.uk>
Sent: Tuesday, June 1, 2021 2:00:53 PM
To: Andrew Nicholson <[redacted]>
Cc: Cllr. Linet Purcell <cllr.l.purcell@npt.gov.uk>; Cllr. Rebeca Phillips <cllr.r.phillips@npt.gov.uk>
Subject: RE: The Other Place

Dear

A company can hold a premises licence it does not have to be applied to an individual, however every premises must designate a premises supervisor who generally has day to day control of the premises.

I can confirm the premises cannot currently sell alcohol outside, as it is not included on their licence.

The licence holders are looking at varying their licence to include this area however we have not yet received a complete application to do this as yet, I am expecting this application will be submitted shortly.

When this application has been formally submitted you will see a blue notice go up on the premises and you can then submit representations against the proposal.

There is no additional licence required to show live television, other than the usual television licence.

I am aware of the resident who made this complaint regarding his son being woken up and I met with the designated supervisor to discuss this matter. Beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, licence holders should consider the actions they may take as a responsible licence-holder to mitigate the potential impact of patrons. In this instance advice was sought to make sure that their door supervisors were outside at closing time to try and limit any unnecessary noise disturbance.

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

Cyfarwyddiaeth Gwasanaethau Corfforaethol & Cyllid / Finance & Corporate Services Directorate

Rhif Ffôn / Tel No. 01639 763050

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From:

Sent: 29 May 2021 18:40

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

Cc: Cllr. Linet Purcell <cllr.l.purcell@npt.gov.uk>; Cllr. Rebeca Phillips <cllr.r.phillips@npt.gov.uk>

Subject: RE: The Other Place

Afternoon

After an interesting number of weeks since my last response from you a number of issues have arisen, which I believe responses from both Licensing and Planning.

You provided me with the details of the holders are HD PUB INVESTMENTS LTD. I have always believed that the licensee should be a person/s not a corporate body. Can you please confirm if there is human in charge of there should be a person who is responsible for the operation of the pub and must ensure the rules are being followed?

You state they are not permitted to serve alcohol from any "outside bar" as this is not allowed under the terms of the existing premises licence; the new owners have been informed of this. If they wish to carry out this activity they would have to vary their licence and you would then have an opportunity to object and address the licensing committee at a hearing as you have done previously. The following day The Other Place installed wooden boards to close off this area. However on most Thurs- Sunday evenings the boards are removed and this area is being used. The Other Place is now actively advertising their external bar area on their Facebook pages. Can you please confirm that this is an unauthorised bar and must be shut and that no applications has been submitted to allow this area to be used.

On several occasions customers of The Other Place have been shouting loudly while using the external seating areas or that the large screen TV which has been installed is turned to very loud creating a disturbance. Can you confirm that there is no requirement to hold a separate licence to play a large screen TV in the car park?

Also customers on leaving the premises in groups or individuals, have been responsible for excessive noise while moving down Ynysderw Road, Francis Street or into other parts of Pontardawe. A resident went to the staff of The Other Place to raise that a small children had been awoken by the noise and had been disturbed by them. He was informed "as soon as they have left the premises they are not their responsibility so Tough!" Obviously I have amended their language! Can you confirm that a licensee retains responsibility for the customers both on and off the premises.

Many thanks

From: Legal Regulatory Services <lrs@npt.gov.uk>
Sent: 10 May 2021 16:57
To: Andrew Nicholson Planning
Cc: Cllr. Linet Purcell <cldr.l.purcell@npt.gov.uk>; Cllr. Rebeca Phillips <cldr.r.phillips@npt.gov.uk>
Subject: RE: The Other Place

Dear Mr Nicholas,

Gareth Jones is on leave at the moment and I see you have been dealing with him previously so I will replay on his behalf.

An application to transfer this premises was received on 22nd April 2021 to have immediate effect. The new licence holders are HD PUB INVESTMENTS LTD.

As far as the licence is concerned they are not permitted to serve alcohol from any "outside bar" as this is not allowed under the terms of the existing premises licence; the new owners have been informed of this. If they wish to carry out this activity they would have to vary their licence and you would then have an opportunity to object and address the licensing committee at a hearing as you have done previously.

There are conditions attached to the licence as you have mentioned i.e. sound limitation devices, ensure all windows and doors are closed etc. which will remain in force under the new owners.

When a licence is transferred all the activities, times and conditions are transferred with it so any previous restrictions that were in place under the old regime would still be in place now. If the new owners wish to change any of these then they would have to apply to vary their licence which you can submit representations against.

Since the premises has started operating outdoors have you had any issues with the way it has been run that you would like me to address with the new owners?

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer
Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

Cyfarwyddiaeth Gwasanaethau Corfforaethol & Cyllid / Finance & Corporate Services Directorate
Rhif Ffôn / Tel No. 01639 763050

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From: Andrew Nicholson <andrew.nicholson@not.gov.uk>
Sent: 10 May 2021 12:38
To: Legal Regulatory Services <lrs@not.gov.uk>; Planning <planning@not.gov.uk>
Cc: Cllr. Linet Purcell <cllr.l.purcell@not.gov.uk>; Cllr. Rebeca Phillips <cllr.r.phillips@not.gov.uk>
Subject: RE: The Other Place
Importance: High

Afternoon.

Can you let me have an acknowledgement of both this email and the original request for answers to a number of issues I raised concerning the change of licensee(s) and a number of planning applications relating to the pub The Live Lounge @The Other Place which I sent 2 weeks ago.

I raised a number of questions but as yet I have not had a single response or answer to any of tmy questions.

I look forward to a speedy response.

Many Thanks
Andrew Nicholson

From: Andrew Nicholson
Sent: 26 April 2021 14:03
To: Legal Regulatory Services <lrs@not.gov.uk>;
Cc: Cllr. Anthony John Richards <cllr.a.j.richards@not.gov.uk>; Cllr. Linet Purcell <cllr.l.purcell@not.gov.uk>
Subject: RE: The Other Place

Many thanks Gareth for your response. Apologise for not responding sooner.

In reference to your responses

1. I believe Mr and Mrs Davies handed back their license for The Other Place (now called The *Live Lounge@The Other Place.*) potentially about 21 March 2021. Can you confirm who the new licensee is now, especially as the premises has recently reopened to the public.?
2. I have made a search of all previous planning applications relating to The Other Place but cannot find any applications referring to either applying for or receiving planning permission for the building an external bar paced in their existing car park.
I have included the **Planning Department email into this letter for them to investigate my queries relating to planning matters.**
3. Since my original letter, The premises have now placed 2 large illuminated signs on the Pub buildings, one facing Ynysderw Road and the second facing the Hebert Street By-Pass. **Again I have not found any applications relating to requesting or having approvals for the instillation for the 2 illuminated signs.**
4. When I requested a copy of the licence I was hoping to see more specific information as the License, especially when the license was varied previously, residents of the area were invited to meet with the Licensing Department and. Following that meeting a number of restrictions were placed as part of the granting of the revised License. These included #(and not limited to,) Sound restriction devises to be placed on all amplification devices installed and/or used in the building. All doors must be kept shut and not held or propped open to ensure internal was retained. Music was to be restricted to the hall and no bands/groups to be allowed in the front part of the pub.
5. Are you stating that the owners of the pub can do whatever they want to the area because they have a licensed premise and do not require to apply for any planning applications?
6. Will you please confirm when either of my Ward Councillors were informed of any variances to the License applied for.

Many thanks
Andrew Nicholson

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

Sent: 07 April 2021 10:17

To

Cc: Cllr. Anthony John Richards <cldr.a.j.richards@npt.gov.uk>; Cllr. Linet Purcell <cldr.l.purcell@npt.gov.uk>

Subject: FW: The Other Pl;ace

FAO Mr Nicholson,

Thank you for your enquiry. I can confirm the following:

1. Mr and Mrs Davies remain the licence holders for the premises.
2. The Legal Regulatory Services Department has not received any application to transfer the premises licence or
3. To vary the current conditions or activities at the premises.
4. If an application to significantly vary the conditions or to extend the operating period of the premises licence is received. It will be subject to a consultation process with all the responsible authorities, notices will be advertised on the premises, in a local newspaper and the Ward Councillors will be consulted.
5. The authority is only permitted to provide a copy of the premises licence to the premises licence holder after payment of a fee.
6. The licensable area of the premises incorporates internal and external areas.
7. I have attached the latest copy of the authority's public register of licensed premises, which is published monthly and shows the times and activities of the premises on page 265.
8. You can search for Planning applications on the authority's website
<https://planningonline.npt.gov.uk/online-applications/>

I have copied your Ward Councillor's into this email.

Regards
Gareth Jones
Legal Regulatory Officer

From: Andrew Nicholson
Sent: 06 April 2021 17:24
To: Legal Regulatory Services <lrs@npt.gov.uk>
Cc: Cllr. Linet Purcell <cllr.l.purcell@npt.gov.uk>; Cllr. Anthony John Richards <cllr.a.j.richards@npt.gov.uk>
Subject: The Other Place

I have attached a letter relating the licensee of the Other Place.

I look forward to an early response to my request for information and the copy of the relevant License.

I have copied my ward Councillors into this email.

Many thanks
Andrew Nicholson

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Archive 2021 2.

Rachel Matthews

From: Leah Morgan
Sent: 05 July 2021 15:59
To: Legal Regulatory Services
Cc: Gareth Jones; Peter Malough; Rachel Matthews
Subject: RE: Application to Vary premises licence - Other Place, 9 Ynyderw Road, Pontardawe, Swansea SA8 4EG - PREM-0322

Dear Licensing Regulatory Services

Further to your consultation regarding the application to vary the premises licence for the Other Place, 9 Ynyderw Road, Pontardawe. Environmental Health wishes to object to the application on the grounds that the application and associated operating schedule does not provide sufficient controls to satisfy the licensing objective of public nuisance and in particular noise.

The only proposed control is that the external bar will call last orders at 10.30 and close at 11. There is no mention of the times that the external areas will be used or any controls to prevent excessive noise affecting neighbouring residents.

Environmental Health and Licensing have received numerous complaints of noise as a result of increased use of outdoor areas at the premises, most notably since Covid.

Environmental Health wishes to object to the variation until a noise management plan has been submitted to and approved by us, that demonstrates that sufficient controls can be employed to prevent public nuisance from the premises.

If you have any questions please do not hesitate to contact us.

Regards

Leah Morgan

Senior Environmental Health Officer / Uwch Swyddog Iechyd yr Amgylchedd
Planning & Public Protection/ Cynllunio a Diogelu'r y Cyhoedd
Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot

Tel. 01639 686521 Email. l.morgan7@npt.gov.uk

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From: Gareth Jones
Sent: 03 June 2021 12:50

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

Subject: Application to Vary premises licence - Other Place, 9 Ynysderw Road, Pontardawe, Swansea SA8 4EG - PREM-0322

Please receive copies of an application to vary premises licence in respect to the above-referred premises received from HB Pub Investments Ltd.

The proposed variation is in connection with refurbishment the inside bar area and removal of some permanent seating & staging to be replaced by moveable furniture making internal area more flexible.

The extension of the licensable area of the premises to include the external area of the premises and which involves the construction of an outside bar area in the beer garden, including a marquee and external tables and seating for the supply and consumption of alcohol.

This department is still awaiting an outdoor plan, to support the application which will be forwarded to RA's at a later date. Please note the end of the consultation period is 30/06/2021.

Regards

Gareth Jones

Legal Regulatory Officer / Swyddog Rheoleiddio Cyfreithiol

Legal Regulatory Services / Gwasanaethau Rheoleiddio Cyfreithiol

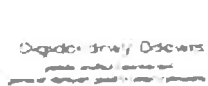
Neath Port Talbot County Borough Council / Cyngor Bwrdeistref Sirol Castell-Nedd Port Talbot

Email / Epost: lrs@npt.gov.uk

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Archive 3.

Rachel Matthews

From: Peter Malough
Sent: 20 Julv 2021 13:19
To: _____ Giles Darby
Subject: The Other Place - Variation
Attachments: SWP Response.docx

Dear Mark / Giles

Following our meeting last week I would be grateful if you can submit a copy of your updated Noise Management Plan as I would like to forward this on to the Environmental Health Section for their consideration.

Similarly I would be grateful if you could confirm what conditions of the police representations you are happy to accept and which ones you would like withdrawn. From the meeting I understand that you are happy with most of the proposals apart from having a time restriction for consumption of alcohol.

I've attached the police representation for you to look through.

Also I wanted to make you aware that the Environmental Health Section received a complaint of excessive noise from music at 20:45 on Friday 16th July 2021 and also alleged generally customer noise was causing a disturbance.

From what we discussed in the meeting can you just confirm what type of music was being played on Friday evening (live/recorded) and what control measures were put in place to prevent any potential nuisance.

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

Cyfarwyddiaeth Gwasanaethau Corfforaethol & Cyllid / Finance & Corporate Services Directorate

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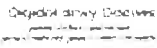
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From: Mark
Sent: 21 July 2021 16:32
To: Peter Malough <p.malough@npt.gov.uk>; Giles Darby
Subject: Re: The Other Place - Variation

Afternoon Peter

Please find attached our noise management plan, in regard to SWP conditions all are acceptable with the exception of points 7 and 8 "outside area to be closed to customers, other than for smoking at 2230hrs and no drinks permitted outside after 2230hrs". I would hope that when restrictions are lifted that our outside area would still be used as a beer garden and I think with our noise management plan the potential for causing a public nuisance are minimal. Are these hours on beer gardens the same in the other licenced premise? if they are of course we would enforce a 2230hrs curfew outdoors.

Kind Regards
Mark Dowdle

Sent from Windows Mail

From: Peter Malough
Sent: Tuesday, 20 July 2021 13:21
To: Giles Darby

Dear Mark / Giles

Following our meeting last week I would be grateful if you can submit a copy of your updated Noise Management Plan as I would like to forward this on to the Environmental Health Section for their consideration.

Similarly I would be grateful if you could confirm what conditions of the police representations you are happy to accept and which ones you would like withdrawn. From the meeting I understand that you are happy with most of the proposals apart from having a time restriction for consumption of alcohol.

I've attached the police representation for you to look through.

Also I wanted to make you aware that the Environmental Health Section received a complaint of excessive noise from music at 20:45 on Friday 16th July 2021 and also alleged generally customer noise was causing a disturbance.

From what we discussed in the meeting can you just confirm what type of music was being played on Friday evening (live/recorded) and what control measures were put in place to prevent any potential nuisance.

Regards
Peter Malough
Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Rachel Matthews

From: Rachel Matthews
Sent: 22 July 2021 11:42
To: Leah Morgan; Celvin Davies
Subject: FW: The Other Place - Variation
Attachments: noise management plan draft1.docx

From: Peter Malough <p.malough@npt.gov.uk>
Sent: 21 July 2021 17:00
To: 'nick.bailey2@south-wales.pnn.police.uk' <nick.bailey2@south-wales.pnn.police.uk>; Rachel Matthews <r.matthews@npt.gov.uk>
Subject: FW: The Other Place - Variation

Hi Both

Please see below email and attached noise management plan

The noise management plan needs to be approved EH, and must demonstrate that sufficient controls can be employed to prevent public nuisance

Nick – they agree to most of your conditions apart from 7 and 8 which is the use of the outside area for consumption.

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

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Rachel Matthews

Archive 4

From: Peter Malough
Sent: 22 July 2021 15:13
To:
Cc: Giles Darby
Subject: RE: The Other Place - Variation

Thanks Mark.

I have forwarded your below email on to Environmental Health and the Police for their consideration. Other licensed premises do have restrictions on the use of the beer garden but as you know all licenses have to be treated separately.

As this is an application to vary your licence consideration should be given to the variation only i.e. the sale of alcohol from the outside bar. As customers can already consume alcohol outside this can't really be a consideration for this variation application unless you decide to volunteer a closing time yourself.

The control measures will have to be very robust to ensure customers using the beer garden until late at night do not cause a nuisance as residents are so close.

Just in regard to the complaint that was received from last weekend, they explained music carried on until just after 11pm then a PA system played further music up until midnight. Noise from customers was still present, this includes anti-social behaviour. They also alleged that the live music was also played very loud on Sunday afternoon up until 7pm.

With the above in mind and the noise management plan that has been submitted can you confirm if you identified any issues from Friday night or the Sunday evening.

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

Cyfarwyddiaeth Gwasanaethau Corfforaethol & Cyllid / Finance & Corporate Services Directorate

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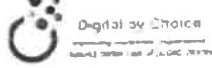
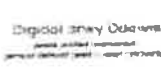
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From: Mark and Christine Dowdle
Sent: 21 July 2021 16:32
To: Peter Malough <p.malough@npt.gov.uk>; Giles Darby
Subject: Re: The Other Place - Variation

Afternoon Peter

Please find attached our noise management plan, In regard to SWP conditions all are acceptable with the exception of points 7 and 8 "outside area to be closed to customers ,other than for smoking at 2230hrs and no drinks permitted outside after 2230hrs" . I would hope that when restrictions are lifted that our outside area would still be used as a beer garden and I think with our noise management plan the potential for causing a public nuisance are minimal. Are these hours on beer gardens the same in the other licenced premise? if they are of course we would enforce a 2230hrs curfew outdoors.

Kind Regards
Mark Dowdle

Sent from Windows Mail

From: Peter Malough
Sent: Tuesday, 20 July 2021 13:21
To: Giles Darby

Dear Mark / Giles

Following our meeting last week I would be grateful if you can submit a copy of your updated Noise Management Plan as I would like to forward this on to the Environmental Health Section for their consideration.

Similarly I would be grateful if you could confirm what conditions of the police representations you are happy to accept and which ones you would like withdrawn. From the meeting I understand that you are happy with most of the proposals apart from having a time restriction for consumption of alcohol.

I've attached the police representation for you to look through.

Also I wanted to make you aware that the Environmental Health Section received a complaint of excessive noise from music at 20:45 on Friday 16th July 2021 and also alleged generally customer noise was causing a disturbance.

From what we discussed in the meeting can you just confirm what type of music was being played on Friday evening (live/recorded) and what control measures were put in place to prevent any potential nuisance.

Rachel Matthews

From: Simon Evans
Sent: 06 August 2021 13:23
To: Peter Malough; Rachel Matthews; Leah Morgan
Subject: RE: The other place

Pete,

Did they suggest at all that they had taken advice from an acoustic consultant before planning all these works, or are they just doing works that they think might help the problem? Gar seems to think that there was a report by an acoustic consultant 10+ years ago that identified specific works but the licensee at the time chose not to do them on cost grounds.

It looks like these guys are willing to spend money on the building, but it would be best to make sure its being spent in the right areas.

Si

Simon Evans

Senior Environmental Health Officer/ Uwch Swyddog Iechyd Amgylchodol

Planning and Public Protection/ Gwasanaeth Cynllunio A Diogelu'r Cyhoedd
Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot
Tel/ Ffôn: 01639 685618

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From: Peter Malough
Sent: 06 August 2021 12:58
To: Rachel Matthews <r.matthews@npt.gov.uk>; Leah Morgan
Cc: Simon Evans
Subject: FW: The other place

Hi both

Following the monitoring of the Other Place by Simon last weekend I informed the licence holder of the issues witnessed.

They have now replied below proposing some additional control measures which they believe will resolve the issues reported

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

Cyfarwyddiaeth Gwasanaethau Corfforaethol & Cyllid / Finance & Corporate Services Directorate

Rhif Ffôn / Tel No. 01639 763050

From: Mark Dowdle
Sent: 06 August 2021 12:36
To: Peter Malough
Cc: Giles Darby

Robert Megson
samantha Harper

James Hunt
Hans Erive

Subject: The other place

Morning Peter

In response to your email dated 4th of August, We have identified the disused vents at the rear of the stage these have now been covered and sealed. I am in the process of fitting automatic door closers to both doors leading out of the live lounge. With regards to the fire exit we are replacing the architrave around outer doors. We will also be triple glazing our windows, In respect to a noise limiter to the best of our knowledge there has never been one

present on site ,however we will now be installing one. I am confident at these measure's along with our noise management plan will solve all past issues.

Yours Sincerely
Mark Dowdle

Sent from Mail for Windows 10

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Rachel Matthews

From: Peter Malough
Sent: 06 August 2021 14:23
To: Simon Evans; Rachel Matthews; Leah Morgan
Subject: RE: The other place

Hi Si

No mention of an acoustic consultant being employed I think they may be just looking at it themselves. The file is in the office so I can check what was agreed when I'm in the office Monday

Regards

Peter Malough

Uwchswyddog Rheoleiddio Cyfreithiol - Senior Legal Regulatory Officer

Gwasanaethau Rheoleiddio Cyfreithiol - Legal Regulatory Services

Cyfarwyddiaeth Gwasanaethau Corfforaethol & Cyllid / Finance & Corporate Services Directorate

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From: Simon Evans
Sent: 06 August 2021 13:23
To: Peter Malough

Rachel Matthews <r.matthews@npt.gov.uk>; Leah Morgan

Subject: RE: The other place

Pete,

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Si

Simon Evans

Senior Environmental Health Officer/ Uwch Swyddog Iechyd Amgylchoddol
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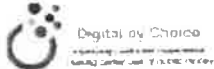
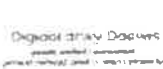
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From: Peter Malough

Sent: 06 August 2021 12:58

To: Rachel Matthews <r.matthews@npt.gov.uk>; Leah Morgan

Cc: Simon Evans

Subject: FW: The other place

Hi both

Following the monitoring of the Other Place by Simon last weekend I informed the licence holder of the issues witnessed.

They have now replied below proposing some additional control measures which they believe will resolve the issues reported

Regards

Peter Malough

Archive 6.

Rachel Matthews

From: Leah Morgan
Sent: 10 August 2021 16:34
To: Peter Malough; Legal Regulatory Services
Cc: Rachel Matthews
Subject: Premises Licence Variation - The Other Place
Attachments: Other Place - Transfer & Vary Dps - Licence.pdf; noise management plan draft1.docx

Good afternoon Peter

Further to our consultation response regarding the above, we have received the noise management plan and feel that the control measures are insufficient to make the proposal acceptable.

The document is too generic and lacks the relevant detail to reassure us that noise can be adequately controlled.

1. What does the document mean by noise sensitive areas? It should be clear to the staff tasked with monitoring where they are expected to monitor and what they are assessing. It would be usual to require that noise is not audible 1m from the façade of the nearest residential property, but in putting this in the noise management plan the applicant must be satisfied that they can achieve it.
2. How regularly will outdoor areas and noise sensitive areas be patrolled? We would usually expect this done hourly as a minimum, for the findings to be recorded and where noise is detected, or the potential for noise, action should be taken immediately and this action should also be recorded. This information should be retained for a relevant period of time (e.g. 1 month)
3. How does the applicant propose to enforce the "no re-entry" rule? There are two gates, the large double gates into the former carpark and the smaller gate to the left of those gates. How do they propose that staff will monitor both gates and carry out all of the checks required on outside areas and monitor at noise sensitive areas?
4. Patron noise from customers in the beer garden and leaving the premises has been a major source of complaints during covid and we need to better understand how this will be addressed. Are additional door supervisors proposed? As previously stated there would be a lot of areas to monitor and one door supervisor would not be able to manage all of the tasks within the current noise management plan.
5. It would be useful to understand how frequently the applicant proposes to have live music/entertainment in the outside areas, as the more frequent it is the more likely it is to cause a disturbance.
6. Do they propose to have regulated entertainment (i.e. speakers playing music outside), if so what times will this take place?
7. We recommend that complaints are recorded and a record is kept of any action taken in response to them.
8. Consideration should be given to the appropriate location for any live music acts in external areas and any controls that can be used to minimise the impact of noise from them in addition to the direction of speakers. In cases where the applicant is not in control of the volume of music – i.e. if a band brings their own equipment they must ensure that they discuss noise levels with them prior to the event taking place.

The following comments relate to the noise management plan as a whole and will touch on elements that are outside of this variation (i.e. to do with the internal areas), however, it seems prudent to raise them now.

9. The line "Live music to finish at 2300hrs 2100hrs on a Sunday" is unclear, and whilst we can assume they mean 2300hrs Mon – Sat unless it is stipulated clearly the document will not be easily enforced.
10. The licence conditions require a sound limitation device to be in operation when amplified music is being played. This is not included in the noise management plan and it should be along with the levels at which the limiter has been set and maintained. Other such controls should be included like access to the limiter by staff.

As you are aware an EHO recently witnessed very loud music from the premises, in light of the fact that the licence holder had been notified of complaints and visited by EH, Licensing and the Licensing Police this causes us concern that they do not have control of noise issues at the premises. It is likely that if noise complaints continue EH will be submitting an application to review the premises licence, as such the noise management plan should be a robust working document that sets clear expectations to all members of staff at the premises and it must be enforced at all times.

Regards

Leah Morgan

Senior Environmental Health Officer / Uwch Swyddog Iechyd yr Amgylchedd
Planning & Public Protection/ Cynllunio a Diogelu'r y Cyhoedd
Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot

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The Other Place

Environmental Health have received several complaints about The Other Place, Pontardawe and most noticeably since Covid most complaints have related to loud noise from patrons and music in the beer garden.

An interim procedure was in place during Covid whereby Licensing would investigate complaints to establish whether the complaints were a breach of the Licence or of Covid regulations and as such these complaints were referred to the Licensing team for investigation.

Environmental Health has remained in contact with them throughout the investigation to offer advice and support regarding noise.

Following receipt of the application being discussed today to vary the licence, Environmental Health raised objections on the grounds of inadequate information to demonstrate that licensing objective of for "prevention of public nuisance" would be achieved.

At the request of the applicant Rachel Matthews, Environmental Health Officer attended a meeting at the premises with Licensing to discuss how they could address our concerns. Following that visit a noise management plan was submitted but Environmental Health.

I have reviewed the document and am not satisfied that the proposed controls are sufficient to mitigate the impact of noise on surrounding residential properties.

It is also worth noting that since the meeting with Rachel Matthews an Environmental Health Officer has witnessed very loud music from a live band

within the premises that was audible in the Lidl and Bypass Carparks within his car. It was also audible at the complainant's property.

Of particular note to this application are the EHO's comments in relation to noise after the band finished. He reported the following;

"The music noise quietened down after 10pm – background music from inside could still be heard in Francis St, but it was at a much lower volume than when the band was playing. Noise from patrons noticeably increased at this time as they spilled outside after the band finished due to increased numbers outside and people talking very loudly after being inside with such a loud band."

This demonstrates that the current controls are insufficient and the new Noise Management Plan does not appear to offer any additional controls or actions to those already in place which relies principally on staff monitoring of noise in outside areas. The applicant has been provided with detailed feedback regarding the Noise Management Plan.

Finally it should be noted that on the basis of numerous complaints and the noise witnessed by the EHO on the 31st July 2021, Environmental Health are considering making an application to review the premises licence for The Other Place to address the failure to prevent the public nuisance licensing objective.

With regard to this application to vary the licence, as always it would be our preference to receive adequate information up front as this enables us to recommend clear conditions that could form part of the licence, however, if committee is minded to approve the application we recommend that a condition requiring the submission and approval of a noise management plan prior to the use of the outside bar is essential.

Whilst I was in Ponty on Saturday night I also visited The Other Place.

There was a band playing in the rear room, and it was very loud – I could hear music noise when parked in the Bypass car park when I first got to Ponty, and a couple of hours later I parked in Lidl's and it was loud enough for me to identify the song at that distance ("Anarchy in the UK" in case you wanted to know!).

I visited the complainant twice at approximately 2100-21:15 and 22:00-22:25 and although I didn't enter the house to monitor the noise, it was very loud at the front door when the band was playing and almost certainly would have been audible in the front living room and bedroom.

The structure of the rear bar did not appear to be particularly effective at resisting the passage of the music noise, and there appeared to be increased breakout on the Francis St elevation close to the fire escape and through two large air vents close to the stage.

I also observed a lot of cars trying to find parking spaces in Ynisderw Rd and Francis St, which Mr Melen had been a real issue since the marquees were erected on the car park.

I also observed a number of patrons entering the rear bar through the exit of the one way system (and I was able to do it myself unchallenged) as there was a door supervisor on the entrance door only.

The music noise quietened down after 10pm – background music from inside could still be heard in Francis St, but it was at a much lower volume than when the band was playing. Noise from patrons noticeably increased at this time as they spilled outside after the band finished due to increased numbers outside and people talking very loudly after being inside with such a loud band.