

EXECUTIVE DECISION RECORD

LICENSING AND GAMBLING ACTS SUB COMMITTEE

30 JANUARY 2023

Cabinet Members:

Councillors: J. Henton (Chair), S. Paddison and A. Dacey

Officers in Attendance:

N. Chapple, P. Malough, G. White, S. McCluskie and T. Davies

1. **DECLARATIONS OF INTEREST**

The Chair welcomed everyone to the meeting.
No declarations of interest received.

2. **CHAIRPERSONS ANNOUNCEMENTS**

The Chair was in agreement and notified everyone, the meeting would take an adjournment for the Applicant and the Licence Holder to discuss further details of the proposed conditions.

3. **URGENT ITEMS**

There were no urgent items.

4. **APPLICATION FOR THE REVIEW OF A PREMISES LICENSE - OTHER PLACE, PONTARDAWE.**

Members were asked to consider an application by Environmental Health for the review of the premises licence for the Other Place (Live Lounge)

Premises Name	Other Place (Live Lounge)
Premises Address	9 Ynysderw Road, Pontardawe, Swansea SA8 4EG
Applicant Name	Rachel Matthews - Environmental Health Officer
Applicant Address	Environmental Health, Neath Port Talbot

	Council, The Quays, Brunel Way, Neath SA11 2GG
Premises Licence Holder Name	HD Pub Investments Ltd
Designated Premises Supervisor	Mr Hans Andrei Dionisio Erive

The Sub-Committee ***Resolved*** that in determining the review the conditions of the Premises Licence should be ***Modified***, pursuant to s52(4)(a) of the Licensing Act 2003, with additional conditions in support of the Licensing Objectives.

To be removed (from Annex 2)

The following conditions to be removed from the Premises Licence, namely:

- a. Condition 2 – Ensure that all windows and doors are kept closed whilst amplified music is being played; and
- b. Condition 4 – Provide a sound limitation device which is operational whenever amplified music is being played.

To be attached (to Annex 3)

The following conditions will be added to the Premises Licence, namely:

- a. By virtue of s177A of the Licensing Act 2003, the conditions of the Premises Licence relating to regulated entertainment shall be in force between 08:00 and 23:00 hours.
- b. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
- c. There shall be no regulated entertainment, in the form of live or recorded music (“***Entertainment***”), at the Premises until such time that the Premises Licence Holder and/or owner of the Premises, commissions an independent acoustic consultant to undertake a Noise Impact Assessment and the recommended control measures contained within the Assessment are implemented.

A copy of the Noise Impact Assessment, along with the supporting evidence that the requirements have been complied with, shall be provided to the Local Authority for written approval prior to the commencement of Entertainment.

To comply with the above, the following criteria must be met:

- i. The Noise Impact Assessment must be carried out by an acoustic consultant, who shall be a member of the Association of Noise Consultants and a member of the Institute of Acoustics.
- ii. The methodology of the Noise Impact Assessment shall accord with current UK guidance, and British Standards, and agreed with the Local Authority in advance of the Assessment commencing.
- iii. Prior to implementation of the control measures, the Local Authority shall be given the opportunity to review and comment on the Noise Impact Assessment, and its recommendations.

There shall be no Entertainment, whether regulated or within the auspices of the Live Music Act 2012 de-regulation, in the form of live or recorded music at the Premises' front bar until such time that the Premises Licence Holder and/or owner of the Premises, commissions an independent acoustic consultant to undertake a Noise Impact Assessment and the recommended control measures contained within the that Assessment are implemented.

To comply with the above, the following criteria must be met:

- i. The Noise Impact Assessment must be carried out by an acoustic consultant, who shall be a member of the Association of Noise Consultants and a member of the Institute of Acoustics.
- ii. The methodology of the Noise Impact Assessment shall accord with current UK guidance, and British Standards, and agreed with the Local Authority in advance of the Assessment commencing.
- iii. Prior to implementation of the control measures, the Local Authority shall be given the opportunity to review and comment on the Noise Impact Assessment, and its recommendations.

In the event a significant change to the local noise environment occurs, the Premises Licence Holder's acoustic consultant will carry out a further ambient Noise Impact Assessment. For the avoidance of all doubt, it is not expected that the ambient noise levels will alter year after year.

Entertainment shall be permitted in line with the Noise Impact Assessment. All entertainment in the back bar is subject to the agreed Noise Management Plan, and delivered via the noise limiter set at an agreed level with the Environmental Health Section.

Entertainment, in the back bar, must take place between the hours of 19:00 and 22:30 hours, and only one event to take place per calendar month. No event shall occur on consecutive weekends with the exception of the month of December, where two events will be permitted to take place, but not on consecutive days. *Please note: in pursuance with Regulation 33 of the Licensing Act 2003 (Hearings) Regulations 2005, the Council has corrected an error arising in the Decision Notice (3 February 2023) from an accidental slip or omission. For the avoidance of all doubt, and to make clear, the words, “in the back bar”, have been inserted, as agreed on 30 January 2023.*

A Noise Management Plan – one each for the front and back bar – shall be submitted for examination and written approval by officers of the Local Authority. The approved Noise Management Plan shall be observed and complied with in full. The control measures stipulated within the Noise Management Plan shall be implemented at all times whilst the Premises is operating with entertainment. The Noise Management Plan shall:

- i. Clearly define the measures to be taken to achieve (e.g. sound propagation, calculation, mapping or similar), and ensure compliance (e.g. monitoring locations/observations) with the agreed Music Noise Level within the Premises.
- ii. Provide details of how the Premises Licence Holder proposes to ensure that noise conditions across the Premises are complied with.
- iii. Clearly define the noise monitoring arrangements and locations to be monitored, to determine compliance with the Licensing Objectives.
- iv. Consider other sensitive activities that may be affected by the event[s].
- v. Clearly define the arrangements to secure compliance with the Licensing Objectives throughout the event[s], and the organisational management to secure the same.
- vi. Detail the corrective action where/if music is perceived to have escaped inappropriately.

- vii. Clearly define the arrangements for receiving and responding to complaints from the community about noise and other issues associated with the build-up, and clearance of the Premises infrastructure and the event itself.

A written record shall be made of all complaints with the: date and time of receipt; contact details of the complainant; details of the person receiving the complaint; details of the complaint; details of the investigation made; and the date and time of any feedback provided to the complainant.

There shall be no external amplified sound in external areas of the Premises, including the beer garden and car park, save for one event weekend per annum (the “*Event*”), anticipated to be the Pontardawe festival weekend:

- i. On Friday: 18:00 – 23:00 hours.
- ii. On Saturday: 13:00 – 23:00 hours.
- iii. On Sunday: 13:00 – 23:00 hours.

Or the terminal hour of the festival, whichever is earlier.

Speakers shall not be located at the entrance and exit of the Premises, or outside the building, save for the Event.

Twenty-eight (28) days’ notice of the Event and activities will be provided to both the Environmental Health Section, and Legal Regulatory Services, of the Local Authority.

Twenty-eight (28) days’ notice of the Event and activities will be provided to all residents within the immediate vicinity of the Premises. This includes: all properties on Francis Street; and all properties up to, and including, 36 Ynysderw Road.

The Premises Licence Holder, or a nominated person, shall carry out proactive noise observations outside of the Premises, at least once an hour, whilst Entertainment is provided and take any necessary remedial action.

A written record of proactive noise observations outside the Premises shall be kept of the times, dates, any issues discovered and, where applicable, what remedial action was taken. These records shall be kept for a minimum of thirty-one (31) days. Records must be made available, upon request, for inspection to an authorised officer of the Local Authority at all times the Premises is open.

The Premises Licence Holder shall ensure that any performer (of Entertainment) is informed of the noise conditions contained within the Premises Licence. The performer will be required to comply with any instructions given to them by the Premises Licence Holder and/or the acoustic consultant.

A dispersal policy will be drawn up by the Premises Licence Holder and submitted to the Legal Regulatory Service for approval. The policy shall encompass (but not limited to) measures to: control noise; and to manage the departure of customers. Once agreed in writing by the Legal Regulatory Service, the Premises Licence Holder will implement the policy.

5. **SUPPLEMENTARY ITEMS - APPENDIX 1, 2 AND 3**

Appendix 1, 2 and 3 were reviewed as part of the circulated supplementary pack.

6. **SUPPLEMENT - NOISE CONDITIONS**

Appendix 4 of the supplementary items, were processed and published during the meeting.

CHAIRMAN