



LICENSING AND GAMBLING SUB-COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
WEDNESDAY, 3RD MAY 2017 AT 10.00 A.M.

PRESENT:

Councillor D.W.R. Preece - Chair

Councillors:

Mrs K.R. Baker, D. Bolter

Together with:

A. Dicks (Assistant Licensing Manager), K. Hopkins (Senior Licensing Administrator), J. Thomas (Licensing Administrator), S. Ead (Solicitor), R. Barrett (Committee Services Officer), J. Tyler (Administrative Assistant)

Representing the Applicant

Mr D. Hill, Mr B. Prothero and Mr K. Richards (Pontymister Athletic Bowls Club)

1. ANNOUNCEMENT - RETIRING MEMBERS

In noting that this would be the last meeting of the Licensing and Gambling Sub Committee before the local elections, the Chair referred to those Members who would not be seeking re-election and in thanking them for their service, wished them well in their retirement from local government.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

4. APPLICATION FOR A NEW CLUB PREMISES CERTIFICATE IN RESPECT OF PONTYMISTER ATHLETIC BOWLS CLUB, FIELDS ROAD PLAYING FIELDS, PONTYMISTER

The Chair opened the meeting and introductions were made.

The Legal Advisor to the Sub Committee outlined the procedure for the meeting and reported that Members had previously familiarised themselves with the report of the Licensing Officer, the club premises certificate application and supporting documentation, together with the written submissions from local residents who were objecting to the application.

Mrs Annette Dicks (Assistant Licensing Manager) presented the report and outlined the application submitted by Pontymister Athletic Bowls Club for a new club premises certificate, with the proposed operating hours as follows:-

Performance of Live Music

- Monday to Tuesday and Thursday to Sunday inclusive 18.00 to 23.30
- Wednesday 11.00 to 23.30

Recorded Music

- Monday to Sunday inclusive 11.00 to 23.30

Supply of Alcohol

- Monday to Sunday inclusive 11.00 to 23.30

It was noted that the above hours include non-standard timings (from the end of permitted hours on New Years Eve to commencement of permitted hours on New Years Day).

The Sub Committee were advised that the bowls club shares a building with the local cricket club, with the building currently licensed as a single premises (the Pontymister Athletic Cricket and Bowling Club). The two clubs are now operating separately and as a result the bowls club wished to apply for their own club premises certificate. An aerial photograph displaying the premises location and the intended licensed area was tabled at the meeting. The Assistant Licensing Manager also outlined a number of requirements associated with a club premises certificate and explained that it operates differently to that of a premises licence. It was confirmed that the bowls club had chosen to apply for a club premises certificate and that they were aware of the relevant legislation associated with its operation.

The Assistant Licensing Manager referred to the proposals within the applicant's operating schedule as set out in paragraph 5 of the report which related to the promotion of the four licensing objectives. It was noted that the applicant had proposed to include a condition to notify the Licensing Authority and the Police at least 4 weeks in advance of any broadcasting of live sporting events taking place outside of the permitted licensing hours. Also included in the meeting papers was a copy of the Council's Model Pool of Conditions, which can assist applicants in determining those steps that they consider are appropriate for the promotion of the licensing objectives in relation to their specific premises.

Members were referred to the representations received in relation to the application from Other Persons (local residents) that were set out in paragraph 6 of the Licensing Officer's report. Redacted copies of the representations were attached to the report that was circulated with the agenda. There had been no representations received from Responsible Authorities in relation to the application.

Attention was then drawn to the local policy considerations as set out in paragraph 7 of the report and to the way in which the Sub Committee would deal with the application. It was explained that the Sub Committee must have regard to all the representations made and to the evidence heard. It must take such steps as is considered necessary for the promotion of the licensing objectives and could:-

- Grant the application subject to any additional conditions specified in the operating schedule and, if appropriate, any mandatory conditions;
- Modify the conditions of the licence by altering, omitting or adding to them;
- Reject the whole or part of the application.

All parties present were afforded the opportunity to ask questions. In response to a Member's query regarding smoking areas, it was confirmed that there is a designated outdoor area that faces the playing fields and that the only exit facing the houses on Fields Road is the emergency exit from the bowls club.

The Chair suggested that the two clubs should consider holding any similar events (such as annual dinner and dance functions) on separate dates in order to minimise disruption to local residents. Mr Keith Richards (Club Secretary) confirmed that this is already the case.

The Sub Committee noted the written representations contained in the meeting papers from Other Persons (local residents of Fields Road, Pontymister). The four letters of objection referenced instances of noise nuisance originating from the adjacent cricket club during social events, together with parking problems on Fields Road when fixtures are held at the two venues. All parties were afforded the opportunity to ask questions and the applicant was invited to respond to the written objections from local residents.

The applicant, Mr Keith Richards (Club Secretary) addressed each of the representations in turn. The first letter referred to parking issues, including visitors parking on double-yellow lines in and around a residential area. Mr Richards explained that these matters are beyond the control of the bowls club. The second letter highlighted concerns about live music being played 7 days a week if the licence were to be granted, and the third letter queried the suitability of the building for this purpose. Mr Richards explained that it was not the intention of the bowls club to host music events 7 days a week and that previous noise issues originated from the cricket club. He added that the bowls club had never been reprimanded for noise arising from live music at their events.

The fourth letter also referred to parking and noise issues arising from events at the building. Mr Richards reiterated that the bowls club has been sited at the current premises for 30 years and has never received any noise enforcement complaints during that time. He explained that it was not the club's intention to have music playing 7 days a week across the times applied for, that it was anticipated for a maximum of 6 events to be held annually, and that the application had been made to allow for some flexibility regarding live music events. Mr Richards reminded the Sub Committee that the parking issues related to parking on double-yellow lines, which is not enforceable by the bowls club.

The Assistant Licensing Manager confirmed that the current licence was for the supply of alcohol only but there were exemptions for the performance of live music. She confirmed that there had previously been issues reported with the cricket club but that these were separate to the bowls club.

Representations were then invited from the applicant.

Mr David Hill (Committee Member for Pontymister Bowls Club) stated that the club were seeking to address the misunderstanding from local residents regarding the current operating arrangements. He explained that the bowls club and cricket club are housed in the same building but have different uses and operate different schedules. Although a joint club premises certificate was shared by the two clubs, the bowls club felt that they needed to become independent from the cricket club and therefore applied for their own licence. He added that the bowls club have a management agreement with Caerphilly Council regarding their terms of use and that having their own club premises certificate fits in with this agreement. He explained that the bowls club currently hold two functions per year and only open on a Thursday outside of the bowling season. Mr Hill explained that contrary to what was suggested in the objections from local residents, it was not the intention of the club to change their position and become a music club, and that the club had consideration for the privacy and feelings of local residents.

Mr Hill referred to the parking issues outlined in the objections and explained that the club shares parking facilities with other users. He added that the club could not be held

accountable for the parking behaviour displayed by other users and that the club had sought regular advice from the Council on how best to deal with parking matters.

Mr Hill referred to a letter he had received from a resident of Fields Road in support of the application. Following agreement from all parties, copies of this letter were tabled at the meeting. Mr Hill also explained that he had been unaware of any objections before the end of the 28-day consultation period but that if he had known, this would have given him the opportunity to garner further letters of support. Mr Hill added that the club have a good relationship with their neighbours and that he was disappointed that no-one had approached the club, as any concerns could have been addressed prior to the meeting.

Mr Richards explained that the bowling club had delivered a notice to local residents to outline the reasons for the application. This also explained that the application for live music had been made for flexibility purposes only and that it was not the intention of the bowls club to change their operating schedule.

Discussion took place regarding the steps that the applicant intended to take to promote the four licensing objectives. Codes from the Council's Model Pool of Conditions were listed against each Licensing Objective within the application form. The Legal Advisor to the Sub Committee sought confirmation that the applicant understood each condition, that they were confident that the conditions could be upheld and managed, and that the club understood the consequences if these conditions were to be breached. Mr Hill confirmed that the Licensing Department had been able to resolve any queries regarding the application and that the club were confident that they could meet these conditions. Reference was also made to drinking vessels in use around the bowling green and it was confirmed that plastic glasses are currently utilised for this purpose. Arising from this discussion, Mr Hill confirmed that the club would be happy for condition GB07 to be included (in that items of glass-wear shall not be permitted in the outdoor area).

All parties were then afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision. There were no further representations from any persons in attendance.

The Sub Committee retired at 10.45 a.m. to make its decision.

The meeting reconvened at 10.55 a.m. and the Legal Advisor informed all parties present that having regard to the Licensing Officer's report and all the representations made, the Licensing and Gambling Sub Committee unanimously RESOLVED that the application for a new club premises certificate in respect of Pontymister Athletic Bowls Club, Fields Road Playing Fields, Pontymister, be granted.

In making its decision, the Sub Committee considered all four licensing objectives, the Licensing Act 2003, revised Home Office Guidance and Caerphilly Council's Licensing Policy, The Sub Committee carefully considered all the representations made and attached the appropriate weight to the written representations received from local residents. The Sub Committee held that the objections put forward by residents had not demonstrated that any of the four licensing objectives would be undermined by the granting of this application. The club premises certificate was therefore granted subject to the 17 conditions as outlined in the application, together with condition GB07 as agreed by the applicant at the meeting, which the Sub Committee believe will promote the four licensing objectives.

The Legal Advisor informed all parties present that any person aggrieved by the decision had 21 days from written notification of the decision to appeal to the local Magistrates Court.

The meeting closed at 10.57 a.m.

CHAIR