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For all enquiries relating to this agenda please contact Rebecca Barrett
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

Date: 13th February 2019

Dear Sir/Madam,

A meeting of the **Licensing and Gambling Sub Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 19th February, 2019** at **11.00 am**, or **immediately following the Taxi and General Sub Committee meeting, whichever is the later**, to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

1 To receive apologies for absence.

2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with Local Government Act 2000, the Council's Constitution and Code of Conduct for both Councillors and Officers.

Pages

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



- 3 Application for a New Premises Licence in respect of Valley Tavern, 15 High Street, Fleur De Lys, Blackwood, NP12 3UD.

1 - 40

Circulation:

Councillors D.W.R. Preece (Chair), J. Ridgewell and J.E. Roberts

And Appropriate Officers

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LICENSING AND GAMBLING SUB-COMMITTEE

REPORT BY LICENSING OFFICER

DATE OF MEETING: 19th February, 2019

1. Application Details

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Valley Tavern Limited 6 Bramblewood Court Pengam Blackwood NP12 3QW	Valley Tavern 15 High Street Fleur De Lys Blackwood NP12 3UD	New Premises licence

1.1 Application for Grant of a New Premises Licence

An application has been submitted to apply for a new premises licence for the above premises. The proposed application is set out in 1.3 of this report.

1.2 Site Plan/Photographs

A location plan is reproduced as **Appendix 1a & 1b**

The plan of the licensed area is reproduced as **Appendix 2**

1.3 Proposed Trading Times and Licensable Activity

The application for the grant of a Premises Licence seeks to permit the following Licensable Activities:-

- **Supply of Alcohol (on sales only)**

Sunday to Thursday inclusive, 11:00 to 00:00

Friday and Saturday, 11:00 to 01:00 the following morning

New Years Eve and Boxing Day 11:00 to 01:00 the following morning

On days where live sporting events are broadcast, hours will be 00:01 to 00:00

- **Late Night Refreshment (indoors only)**

Sunday to Thursday inclusive, 23:00 to 00:00

Friday and Saturday, 23:00 01:00

- **Performance of Dance (indoors only)**

Monday to Thursday inclusive, 10:00 to 23:00
Friday to Sunday inclusive, 10:00 to 00:00

- **Recorded Music (indoor only)**

Monday to Thursday inclusive, 10:00 to 23:00
Friday to Sunday inclusive, 10:00 to 00:00

- **Live Music (indoor only)**

Monday to Thursday inclusive, 10:00 to 23:00
Friday to Sunday inclusive, 10:00 to 00:00

- **Boxing and Wrestling entertainments (indoors only)**

Monday to Thursday inclusive, 10:00 to 23:00
Friday to Sunday inclusive, 10:00 to 00:00

- **Films (indoors only)**

Monday to Thursday inclusive, 10:00 to 23:00
Friday to Sunday inclusive, 10:00 to 00:00

1.3.1 The following steps have been volunteered by the applicant as part of the Operating Schedule, to promote the Licensing Objectives, and are reproduced directly from the application:-

1. There shall be no consumption of beverages in any outside areas/specific after 22:00 hours. Adequate notices shall be displayed to inform patrons o this requirement.
2. CCTV shall be in use at the premises.
The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;
The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
The correct time and date will be generated onto both the recording and the real time image screen;
If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without

undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;

The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises 24 hours a day.

3. CCTV cameras shall monitor all areas used by premise patrons including any external smoking area to monitor numbers and prevent crime and disorder.
4. Careful consideration should be given as the circumstances in which these conditions may be pertinent i.e. main use cinema or video juke boxes in pubs and clubs.
No film shall be exhibited unless –
it has received a 'U', 'PG', '12A', '15' or '18' certificate of the British Board of Film Classifications; or
it is a current newsreel, which has not been submitted to the British Board of Film Classification;
no film classified as R18 may be exhibited in these premises.

No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film, which has received, a '18' certificate from the British Board of Film Classification. In such circumstances a "Challenge 25" policy should be adhered to and valid proof of age required before admittance.

5. Staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
6. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
7. The premises licence holder shall required the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed

as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy **Appendix 3**

National Guidance **Appendix 4**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

Trading Standards, Police, Health and Safety Team, Social Services and Health Board have indicated that they have no representations in respect of the proposed new premises licence.

Licensing Authority

Document	Date Received	Appendix Reference
Initial Representation	18/01/2019	Appendix 5

Environmental Health Pollution Team

Document	Date Received	Appendix Reference
Initial Representation	30/01/2019	Appendix 6

1.5.2 Other Persons:

Residents

Document	Date Received	Appendix Reference
Resident A Representation	23/01/2019	Appendix 7a
Resident B Representation	28/01/2019	Appendix 7b
Resident C Representation	28/01/2019	Appendix 7c
Resident D Representation	29/01/2019	Appendix 7d
Resident E Representation	29/01/2019	Appendix 7e
Resident F Representation	30/01/2019	Appendix 7f
Resident G Representation	30/01/2019	Appendix 7g

1.6 SUMMARY OF REPRESENTATIONS

Trading Standards, Police, Health and Safety Team, Social Services and Health Board have indicated that they have no representations in respect of the proposed new premises licence.

The Licensing Authority in its role as a Responsible Authority raised an initial objection with concerns as to the proximity of nearby residential properties. It was acknowledged by the Licensing Authority that the applicant has included restricted times for the use of the outside areas. The Licensing Authority suggested that the operating schedule should include further conditions that reflected the needs of the local residents. The Licensing Authority proposed to strengthen the condition proposed by the applicant relating to the use of the outside area be amended to also restrict the consumption of food after 22:00 hours. It was advocated that Notices to this effect were displayed.

The Environmental Health Pollution Team Officer has raised an initial objection, with concerns for the potential for public nuisance in view of the rear beer garden particularly later in the evening and residential accommodation above the premises. The Environmental Health Officer has advocated conditions be added to the operating schedule to reduce the impact upon the nearby residents.

Objections have been received from 4 local residents. These detail concerns in respect of public nuisance due to noise from patrons, smoking outside, music emanating from the premises, increased traffic and congestion and the lack of parking. There are also concerns in relation to the ability for the premises to permit 24 hour operating times, where the live broadcast of sporting events takes place. The residents also raise the potential for anti-social behaviour from patrons vacating the premises.

In addition to the objections, 3 letters from local businesses have been received in support of the premises licence application being granted.

1.7 APPLICANT RESPONSE

The applicant has responded to the comments of the Licensing Authority and Environmental Health Officers agreeing to the conditions proposed, should a premises licence be granted.

Document	Date Received	Appendix Reference
Response to Licensing Authority	22/01/2019	Appendix 8
Response to Environmental Health Pollution Team	30/01/2019	Appendix 9

To date, the applicant is yet to respond to the concerns expressed by local residents.

1.8 OBSERVATIONS

This application relates to a premises, namely the former James Club, that previously held a Premises Licence from November 2005 until it was subsequently surrendered in January, 2017.

It is noted that the Police, Trading Standards, Environmental Health, (Health and Safety Team), Child Protection Officer and Health Board made no representation comments during the statutory consultation period. The Licensing Authority in its role as a Responsible Authority and Environmental Health Pollution team have proposed a number of conditions to promote the licensing objectives which have been agreed by the applicant. In essence, all Responsible Authorities (RA's) are satisfied with the applicant's ability to promote the licensing objectives.

Objections have been received by 4 local residents who have expressed concerns relating to public nuisance due to noise from patrons, smoking outside, music emanating from the premises, increased traffic and congestion and the lack of parking.

There are also concerns in relation to the ability for the premises to permit 24 hour operating times, where the live broadcast of sporting events takes place. Residents also raise the potential for anti-social behaviour from patrons vacating the premises.

Whilst the concerns expressed by local residents are understandable, the applicant cannot be held responsible for any historic issues that may have taken place when under alternative management. However, it is noted that the applicant is yet to respond to the concerns expressed by local residents.

Matters such as increased traffic, congestion and the lack of parking will not be a consideration for Members of this Sub-Committee, as they are not considerations under the Licensing Act. A number of the remaining concerns appear to be anticipatory in nature about behaviour which could arise. At this time, no concerns have been brought forward by the Responsible Authorities in respect of current anti-social behaviour in the vicinity.

Paragraph 14.5 of the Council's Licensing Policy States:

The Licensing Authority recognises that beyond the immediate vicinity of the 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.

Concern expressed about the potential for 24hour drinking where the live broadcast of sporting events takes place, however this has not resulted in any comments from Responsible Authorities.

National Guidance Paragraph 10.14 states:

Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine

the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

Paragraph 8.3 of the Authority's licensing policy states

'The following fundamental principles will apply:

The right of any individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits;

The statutory rights of any person to make appropriate representations in respect of any application or to seek a review of any premises / club premises certificate.

The statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any conditions that may be attached to licences and certificates will focus on:

Matters within the control of premises licence/club premises certificate holders and others who are granted relevant permissions;

The premises and places being used for licensable activities and their immediate vicinity; and

The direct impact of the activities taking place at the relevant premises on members of the public living, working or otherwise engaged in normal activity in the area concerned.

Paragraph 18.4 of the Authority's licensing policy states

'Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.'

There have been 3 letters received from local business in support of this application who believe the granting of this licence would generate more business and employment in the area, along with providing the village with a venue for families to attend, rather than having to travel further into the Borough.

Whilst reference was made by residents that the applicant failed to properly advertise the premises licence application. The Licensing Authority is satisfied from visits undertaken that relevant notices were clearly displayed, the relevant newspaper advertisement published and application advertised on the council's website.

Whilst this application has been pending, the Licensing Authority is aware that the applicant has operated under and applied for Temporary Event Notices (TEN's) which permit them to provide the sale and supply of alcohol for dates between 1st February to 19th February 2019. To date, one complaint has been received by one of the local resident objectors who indicated that there were a number of patrons outside the front of the premises smoking and causing a noise nuisance.

Having addressed this issue with the applicant, the applicant responded that he was aware of the problem and advised that within an hour of the event had arranged for SIA door staff to manage the situation and the patrons were subsequently directed to the beer garden.

1.9 LICENSING ASSESSMENT

The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder;
- The protection of public safety;
- The prevention of public nuisance;
- The protection of children from harm

In making its decision, the Sub Committee is obliged to have regard to:-

- National Guidance
- Council's own licensing policy, and
- All representations made evidence presented

NOTE The Sub-Committee may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. Any such actions must be necessary in order to promote the licensing objectives.

Statutory Power - Licensing Act 2003. This is a Council function which is delegated to this committee to decide.

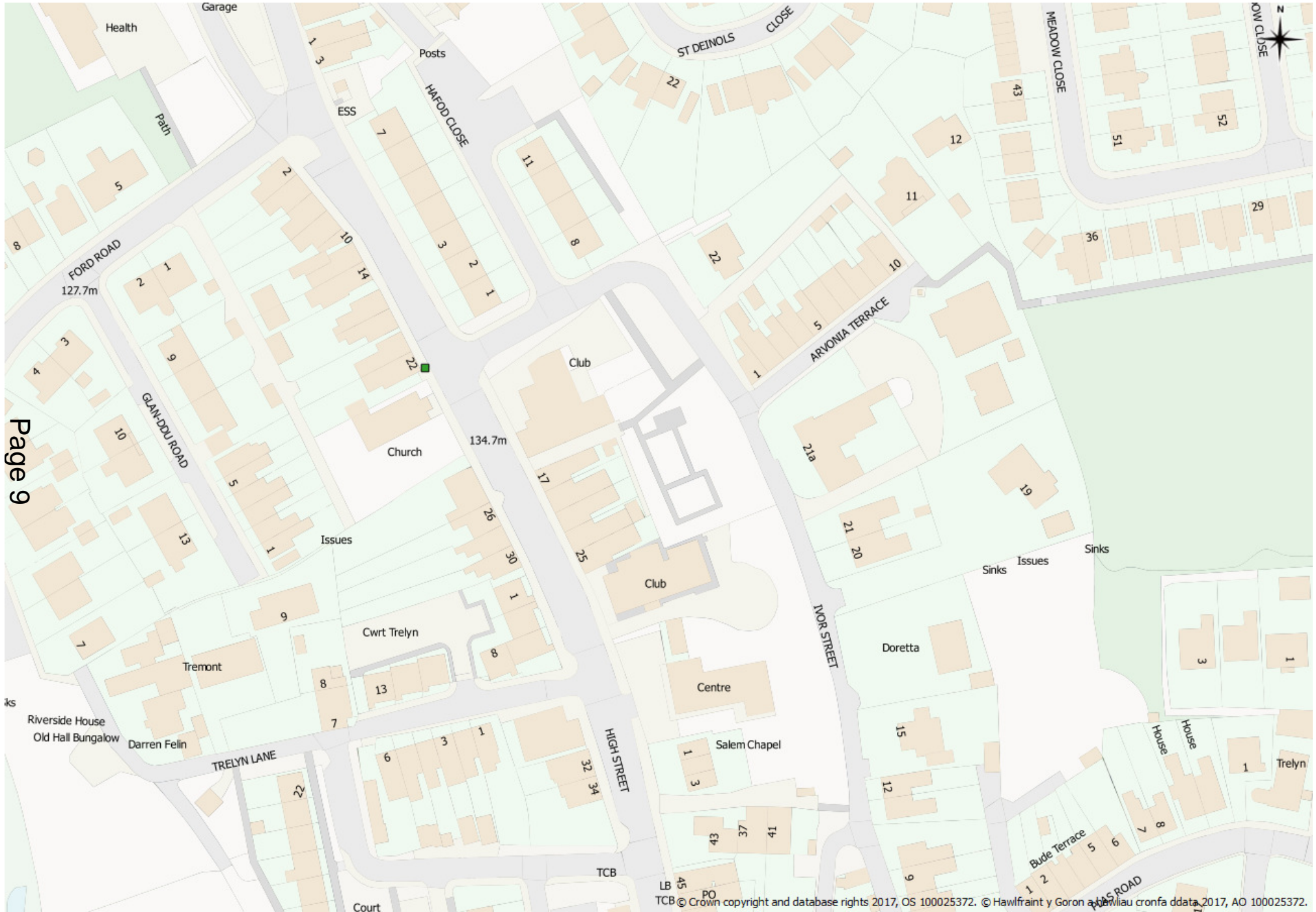
1.10 RECOMMENDATION

Having had regard to and considered the position of the Responsible Authorities and all comments received by residents, it is recommended that the Premise Licence be granted subject to the following conditions as detailed within **Appendix 10** of this report.

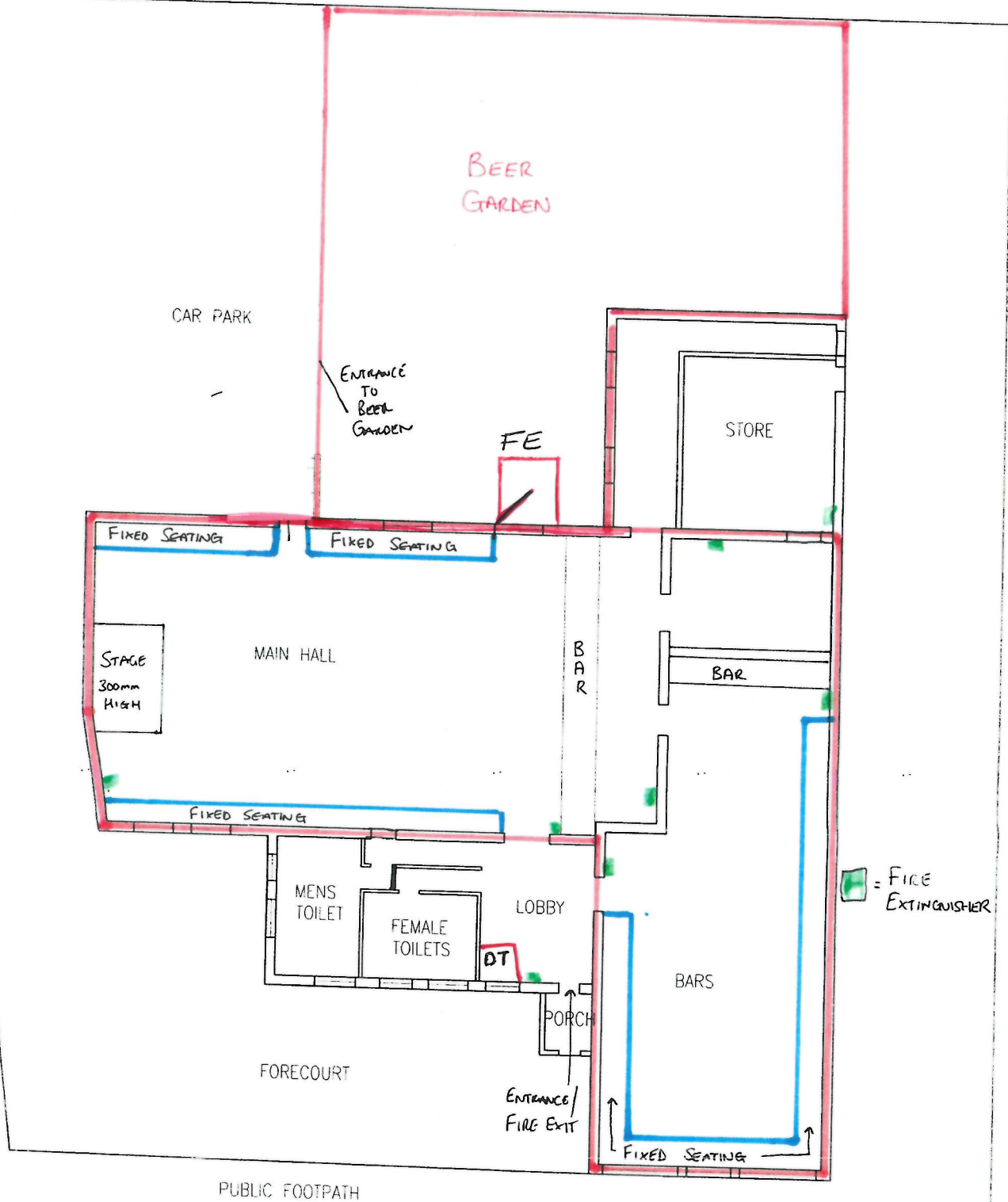
Background Papers: These are attached to this report.

Date of this report: 11th February, 2019

Author: J. Thomas







HIGH STREET

DT. = Disabled Toilet
 FE = Fire Exit
 Amended Plan.

DRG REF 18/NJ/100

EXISTING GROUND FLOOR PLAN FOR PROPERTY

SCALE 1 : 125 ON A3

Caerphilly County Borough Council statement of Licensing Policy relevant extracts

- 4.3 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. Once the discretion of the Licensing Authority is engaged, additional and supplementary conditions to promote the licensing objectives may be attached to a licence.
- 5.1 This statement of policy sets out how Caerphilly will exercise the licensing functions as 'The Licensing Authority', through a Licensing Committee which is directly responsible for most of the licensing functions which include the following 'licensable activities'.
- 5.1.1 The retail sale of alcohol: including licensing of individuals (Personal Licences) and premises (Premises Licences), including wholesale of alcohol to members of the public either directly or indirectly via the internet or mail order.
- 5.1.3 The provisions of regulated entertainment: Includes film exhibitions, performances of a play, boxing or wrestling events; provision of live or recorded music, and performances of dance. Exemptions exist in respect of certain aspects of regulated entertainment dependant on audience numbers, times of provision and status of premises. The provision of regulated entertainment has been the subject of a number of amendments to the circumstances as to when they require to be licensed.
- 5.1.4 The provisions of late night refreshment: which covers the supply of hot food or drink from a premises between 23.00 hours and 05.00 hours the following day.
- 8.1 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues that can occur away from the licensed premises, including:

Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;

Regular liaison and co-operation with police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of penalty notices for disorder, prosecution of those selling alcohol to people who are drunk, confiscation of alcohol from adults and children in restricted areas and the potential to immediately close licensed premises or temporary events on the grounds of nuisance or disorder, or likelihood of nuisance or disorder occurring;
The power of the responsible authorities, other relevant person (such as a member of the public or person representing a business) to seek a review of the licence or certificate where it is alleged that the

licensing objectives are being undermined.

8.2 The licensing regime places a great responsibility on applicants themselves to actively engage in the application process. It also places responsibilities on defined consultees to make relevant representations (either positive or negative) relating to applications within the prescribed timescales. Where representations are not received within the timescales an authorisation may be granted with only those conditions that are in line with an applicant's operating schedule. Operating schedule conditions can only be modified where relevant representations are received and where they need to be modified to promote the licensing objectives

8.3 The following fundamental principles will apply:
The right of any individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits;

The statutory rights of any person to make appropriate representations in respect of any application or to seek a review of any premises / club premises certificate.

The statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any conditions that may be attached to licences and certificates will focus on:

Matters within the control of premises licence/club premises certificate holders and others who are granted relevant permissions;

The premises and places being used for licensable activities and their immediate vicinity; and

The direct impact of the activities taking place at the relevant premises on members of the public living, working or otherwise engaged in normal activity in the area concerned.

8.4 Each application will be considered on its individual merits, and in the light of this Policy.

10.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- The promotion of public safety
- The protection of children from harm.

- 10.4 The Licensing Act sets out mandatory conditions that are imposed on licences and certificates dependant on the authorised licensable activities. These conditions cover such areas as door stewarding, exhibition of films and unacceptable drinks promotions.
- 10.5 The Licensing Authority will monitor premises to ensure that all conditions are adhered to by authorisation holders.
- 13.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 13.2 The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.
- 13.3 It is expected that authorisation holders will take steps to control excessive consumption and drunkenness on their premises. Proper management will reduce the risk of anti-social behaviour occurring both on the premises and outside after customers have left. They must also demonstrate a general duty of care to customers using their premises and others that may be affected by the activities.
- 13.6 Licensed premises authorised under the Act for the sale and/or supply of alcohol must consider their responsibilities with regard to who they supply with alcoholic drinks, in particular:
- The sale to persons under the age of 18 years
 - The sale to persons who are delivering to persons under the age of 18 years
 - The sale to persons who are drunk
- 13.7 The Licensing Authority actively encourages that the sale or supply of alcohol should terminate at least thirty minutes before the closing time of the premises. This provides a suitable 'wind down' period and a slower dispersal of customers.
- 13.8 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.

- 14.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.
- 14.2 Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.
- 14.3 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.
- 14.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:
- they are situated in a residential or noise sensitive area; or
 - extended opening hours are proposed.
- 14.5 The Licensing Authority recognises that beyond the immediate vicinity of the 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.
- 14.6 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. The following issues that should be considered are set out below to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard requirements, but include:
- a) Demonstrate effective and responsible management of premises;
 - b) Evidence appropriate staff instruction, training and supervision to prevent incidents of public nuisance;
 - c) Indicate how the operating hours for the whole or parts of premises are to be controlled so as to reduce the potential noise impact on neighbouring properties. This should include control of external areas such as beer gardens and smoking areas, and such matters as deliveries, disposal of glassware and waste collections.
 - d) Adoption of best practice guidance (Such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing the National Harm Reduction Strategy Toolkit and other industry codes of practice).

- e) Installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 - f) Management of people including staff and customers arriving and leaving premises (including the potential for queuing outside of the premises);
 - g) Liaison with public transport / taxi and private hire service providers to encourage customers to leave the area quickly;
 - h) Siting of external lighting including security lighting and consideration of the potential for light pollution nuisance;
 - i) Management arrangements for collection and disposal of litter in the vicinity of the premises;
 - j) Effective ventilation systems to prevent nuisance from odour;
 - k) Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;
 - l) Dispersal policy / arrangements
 - m) Adverse noise created by any ventilation or air conditioning system or other associated machinery positioned outside the building.
 - n) Appropriate signage requesting patrons to respect the rights of local residents when leaving the premises.
- 18.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.
- 18.4 Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.
- 20.1 The ability to review either a premises licence or club premises certificate is seen as a key protection for the community where problems occur once an authorisation has been granted or varied. The council considers that reviews should be a last resort unless the issues are of such a serious nature that a review is the only option.
- 20.2 The Council anticipates that if authorised persons or responsible authorities are made aware of problems identified as arising from a premises, that licence or certificate holders will be given early warning of the concerns and the need for improvements or positive action to address problems. Where a

holder fails to respond to early warnings the Council expects that it will lead to a decision to review.

- 23.1 The Licensing Act does not prescribe fixed hours for trading, applicants are required to identify the hours that they propose to operate. The Licensing Authority, through the exercise of its licensing functions shall not seek to restrict the trading hours of any particular premises unless it is considered appropriate for the promotion of one or more of the licensing objectives. It is proposed that the Licensing committee when considering each application on its merits following receipt of relevant representations should have regard to the following factors:
- 23.1.1 Whether the licensed activities are likely to cause an adverse impact, especially on local residents, and what, if any, appropriate measures are proposed to prevent it.
- 23.1.2 Whether there will be a substantial increase in the cumulative adverse impact on any adjacent residential area.
- 23.5 Where its discretion is engaged a Licensing Authority will always carefully balance the considerations against its duty to promote the licensing objectives and protect the rights of residents and businesses.
- 23.6 Where there are relevant representations in respect of an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives, then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.
- 24.3 Conditions attached to licences or certificates will be tailored to the individual style and characteristics of the particular premises and events concerned. However, where considered appropriate, and necessary for the promotion of the licensing objectives, this Authority will consider attaching conditions drawn from its own pool of conditions.
- 24.4 The Council recognises that licensing law is not a mechanism for the general control of antisocial behaviour by people once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However the Council must consider the potential detrimental impact on the surrounding areas from the operation of either individual or accumulations of premises, where the premises are the predominant cause of resultant anti-social behaviour arising from drunkenness etc.
- 32.1 Where an application for the grant, variation or review of an authorisation is considered by a committee the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure

that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions have been made with regard to its statement of licensing policy and the Guidance issued by the Secretary under section 182.

- 33.1 Where a party (includes applicants and persons or bodies who submitted relevant representations) are aggrieved by the decision of the Council they may appeal the decision to the Magistrates Courts. Such an appeal must be lodged within 21 days of being notified of the decision. This Council considers that the date of notification is the date upon which the appellant received written notification from the Council. Any party considering lodging an appeal is advised to seek independent legal advice.

Licensing Act 2003 National Guidance relevant extracts

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable

(see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

8.35 Applicants will want to consider whether they might want to use a garden or other outdoor space as a location from which alcohol will be consumed. The sale of alcohol is to be treated as taking place where the alcohol is appropriated to the contract. In scenarios where drink orders are taken by a member of staff in the garden or outdoor space and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer this would be treated as an off-sale and any conditions that relate to off-sales would apply.

8.36 In such cases it will be not necessary to include the garden or other outdoor space on the plan as part of the area covered by the premises licence. However, it will be necessary for the applicant to include the garden or other outdoor space on the plan as part of the area covered by the premises licence if the intention is to provide a service whereby drinks are available for sale and consumption directly

from that area (i.e. the provision of on-sales). This would apply in the case of an outdoor bar or a service whereby a member of staff who is in the garden or outdoor space carries with them drinks that are available for sale (without the need for the staff member to return to the licensed premises to collect them).

8.37 If the beer garden or other outdoor area is to be used for the consumption of off-sales only, there is no requirement to show it on the plan of the premises, but the prescribed application form requires the applicant to provide a description of where the place is and its proximity to the premises.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

|
14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY (Please delete as applicable) –
Licensing Authority

Name and Address of Applicant	Valley Tavern Limited
Premises	Valley Tavern, 15 High Street, Fleur de lys

Your Name	██████████	Date 18/01/2019
Job Title	Assistant Licensing Manager	
e.mail Address	██	
Contact Telephone Number	██████████	

Which of the four Licensing Objectives does your representation relate to?	✓	Please outline the reasons for your Representations
The Prevention of Crime and Disorder		
Public Safety		
The Prevention of Public Nuisance	✓	It is acknowledged that the applicant has included restricted times for the use of the outside areas. As the premise is situated near residential properties, it is suggested that the operating schedule of the licence should include further conditions that reflect the needs of local residents. It is also suggested that the proposed condition relating to the use of the outside area be amended to also restrict the consumption of food after 22.00 hours
The Protection of Children from Harm		

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>The following conditions are therefore suggested:-</p> <p>There shall be no consumption of food or beverages in any outside areas after 22.00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.</p> <p>The premises supervisor, manager or other competent person shall manage the outdoor areas to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place for staff to monitor the external areas on a regular basis.</p> <p>A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.</p> <p>No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.</p> <p>Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.</p> <p>Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 07.00 and 22.00 hours</p>	
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes or No</p>	<p>Yes</p>

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's



RESPONSIBLE AUTHORITY REPRESENTATION

RESPONSIBLE AUTHORITY (Please delete as applicable) -

Pollution Control

Your Name	Abbie Brown
Job Title	Environmental Health Officer
Postal and e-mail address	browna2@caerphilly.gov.uk
Contact telephone number	01443 831147

Name and Address of Applicant:	Valley Tavern Ltd
Premises	15 High Street, Fleur De Lys, Blackwood, NP12 3UD

Which of the four Licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation.
The prevention of crime and disorder	No	
Public safety	No	
The prevention of public nuisance	Yes	<p>The Pollution Control Team is of the opinion that the premises has the potential to cause a public nuisance.</p> <p>This is due to use of the rear beer garden within the late hours of the evening by customers particularly in the late evening.</p> <p>In addition, there are two residential units above the Bar/Store area.</p> <p>It is for this reason that it is strongly recommend that the following conditions be added to any premises license granted to reduce the impact of the public house upon the nearby residential area and existing/future residents occupying the flats above.</p>
The protection of children from harm	No	

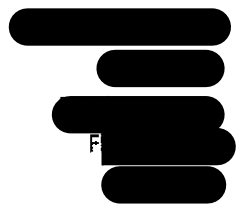
<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account.</p>	<ol style="list-style-type: none"> 1. All windows and doors to be kept closed to reduce noise impact at neighbouring properties other than when the doors are being used for loading and unloading and for the use of entering and leaving the premises. NOTE This condition shall not prejudice the minimum ventilation levels for health and safety and access to emergency exits shall not be compromised. 2. Ensure speakers are kept within the premises and are not positioned near openings such as doors or windows. 3. The volume of amplified/unamplified live and recorded regulated entertainment must be at a level so as not to cause a nuisance at the nearest residential property. 4. During times of amplified/unamplified live and recorded regulated entertainment is taking place, staff shall make regular patrols in the immediate vicinity to ensure noise nuisance does not occur at the nearest residential property. 5. The use of the beer garden of the premises is not permitted after 10.00 p.m, other than for the provision of a designated smoking area. 6. The designated smoking area, as referred to in condition 5 shall not exceed the capacity of 10 persons at any one time after post 10 p.m. 7. The applicant is not to remove waste and bottles into external storage areas between the hours of 10.00 p.m. and 8.00 a.m. 8. Licence holder to display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly. 9. All lighting for external areas of the premises must be aimed so the beam does not cause nuisance to the surrounding residential areas. 10. All external lighting must be turned off when no longer required. 	
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes</p>	

N.B If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Signed: A.Brown

Date: 30/01/2019

Please return this form to: Licensing Section, Caerphilly County Borough Council, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG. **This form must be returned within the Statutory Period.**



Date 20 January 2019

CCBC - Licensing Department

Re Valley Taverns Limited
Application Date 02/01/19
Re The Valley Tavern
15 High Street, Fleur De Lys, NP12 3UO

Dear Sirs

Planning and Licensing Committee
Licensing Department

An application has been made to have opening hours as follows:

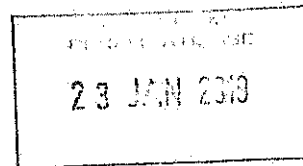
events and music
Mondays to Thursday 10:00 to 23:00 and
Friday to Sunday 10:00 to 00:00
Late night Refreshments
Sunday to Thursday 23:00 to 00:00 and
Friday and Saturday 23:00 to 01:00

No
Date Received 23 JAN 2019

Date Answered

Referred to

Alcohol
Sunday to Thursday 11:00 to 00:00
Friday and Saturday 11:00 to 01:00
Live Sport Events broadcast
00:01 to 00:00



I would like to say, that as a resident living just behind the pub/club that those hours would have a serious effect on our family. Not only could the music keep us awake, but the added problem of people and cars travelling past our house, potentially on roads and paths on 2 sides of our house would keep us awake at night and cause disruption in the area. There is a footpath past our house leading up to Upper Trelyn which in the past has been very noisy and much damage and vandalism with pint glasses being thrown at houses and into gardens. We have had bikes stolen before and the police thought that it was likely to be someone trying to get home after buses and taxis had finished for the night. We have had drunk people defecating (shitting) on our drive in front of our house after a night out when the James Club was previously open.

We are extremely opposed to 24 hour drinking in our community. It would be inappropriate with families and elderly in close proximity.

We live in a quiet neighbourhood with old age bungalows right next door to the pub/club and they are unlikely to be capable of standing up for themselves with letters and complaints about licensing applications.

We both work and have a child in school. We have to get up at 6am in the week and Sunday nights in particular should not be late opening.

We were told by the people working on the site that it would be a quiet FAMILY based pub serving food not a loud boxing and sports pub/club.

There are no notices up in public about this licensing application and there has been no public consultation on such long opening hours - we all know that if you want to find a 'live sporting event' on TV it will be found, so they could have 24 hour opening at any time they chose, and this is not acceptable.

Our suggestion would be for 23:00 on Sunday to Thursday and 24:00 for Friday and Saturdays for all services. They would still be able to apply for extended licenses for special occasions.

Yours sincerely,

[Redacted signature]

FAO

Caerphilly County Borough Council

Licensing Authority

Penallta House

Tredomen

Caerphilly County Borough Council
The Laboratory of the EnvironmentHigh St
Fleur-de-lysBlackwood
ement

28 JAN 2019

Forwarded

Referred to

27/1/2019.

Valley Tavern Ltd High St
Fleur-de-lys. Application for
Licence for above premises.

Dear Sir/Madam,

I'm writing regarding the above application. As a resident I'm really concerned that the hours the club will be open will cause problems of noise + disturbance when clients are leaving the premises late at night, especially on the occasions that the hours are extended to twenty four hour opening.

Clients' behaviour may be controlled inside the club, but when they leave it's not possible, as problems in the past have proven. Residents have experienced bad language, fighting noise and damage to property.

The other major problem will be the lack of parking spaces. The village is extremely busy with traffic and although there is a limited area at rear of the club for parking, will it be suffice not to have an impact on residents, shoppers & trades people's parking. It could cause more congestion.

It is important the residence of Fleur-de-lys young and old, should not have their well being affected or livelihood disrupted by the possible ~~problems~~ ^{PAGE 30} which may result in granting this licence. Yours faithfully ~~XXXXXXXXXX~~

[REDACTED]
 Fleur-de-lis
 Blackwood
 Caerphilly
 NP12 3XU
 23/1/2019

I wish to make representations on the application by Valley Tavern Ltd
 15 High st. Fleur-de-lys Blackwood

PARKING

The increase in traffic will cause disruption all through Fleur-de-lys

NOISE

Noise when people leaving tavern at midnight and later .Doors being slammed and loud voices when people have to get up for work and children to school in the morning after disrupted sleep.

ANTISOCIAL BEHAVIOUR

Antisocial behaviour outside club causing problems for community

SPORTING EVENTS

Is there a limit on numbers of these events as live sports event are broadcast most days of the year so club could be open 23.59 hours all the year..

Is the café a takeaway as well because council turned down application for one as there was too many in the area

Yours faithfully

[REDACTED]
 [REDACTED]

Caerphilly County Borough Council
 Directorate of the Environment

No.

Date Received 28 JAN 2019

Date Answered

Referred to

AGENCY
RECEIVED
PENALTA HOUSE
29 JAN 2019

[REDACTED]
EURE DELYS
BACKWOOD
[REDACTED]
05th Jan 2019

Dear Sirs,

Regarding Valley Taverns Ltd. I am a pensioner living in the small quiet village of Eux Delly I am appalled and disgusted, not by the venue but the location that I feel would effect the quality life for the residents, the venue so close to two rows of old age bungalows by the way, increased traffic, when smokers are out side using Eux Delly ganga, we have the same problems with the Rugby Club, but fortunately its mostly the week ends the small narrow lane [REDACTED] is only used

by local residents, I feel the traffic would increase, during all hours. Opening times very late and 24 hours drinking sounds a nightmare. I hope you will consider another location Valley Taverns Ltd in a different location would be good, but this location is not suitable to a quiet residential village

Yours Faithfully

[REDACTED]

[REDACTED]

CCBC – Licensing Department
Ty Penallta
Tredomen Park
Ystrad Mynach
CF82 7PG

[REDACTED]
[REDACTED] HIGH ST
FLEUR DE LYS
BLACKWOOD
NP12 3UD.

28th Jan 2019.

Dear Sir/Madam,

I am writing as a business owner/operator of High Street, Fleur-De-Lys, Blackwood. Valley Tavern Limited have recently complete renovation of the former James Club; situated at 15 High Street, Fleur-De-Lys. A license to serve alcohol has been requested to yourselves for validation. As a business operator, I would not object to this and would see this as a benefit to our village, as we believe this will generate more business for ourselves and other businesses in the area. Further to this, it would bring additional employment to the village and surrounding areas – which would be nothing more than a benefit. I look forward to the license being granted and the village benefitting from the investment made bt Valley Tavern Limited.

Yours Faithfully

[REDACTED]
[Signature]
[REDACTED]

Name: _____

Caerphilly Council
Directorate of the Environment

No.

Date Received 29 JAN 2019

Date Answered

Referred to

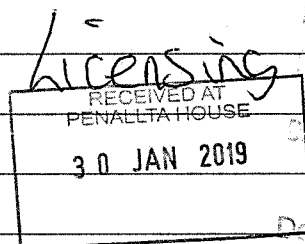
RECEIVED AT
PENALLTA HOUSE
29 JAN 2019

[REDACTED]
 HIGH STREET
 fleur der lys
 Blackwood
 NP12-3UD

(Valley Tavern)

To whom it may concern,
 My thoughts on the
 Valley Tavern opening in the high street of
 fleur der lys can only be a good thing for
 the village. It will bring more people into
 the village including more jobs and revenue.
 It will be great for families to attend
 rather than having to commute to Caerphilly
 or Llanidloes to be out as a family.
 I hope this venture will be a success, as
 this is what the village needs.
 Kind regards

Caerphilly County Borough Council
 Directorate of the Environment



Date Received 30 JAN 2019

Date Answered

Referred to

[Redacted]

[Redacted] High Street
Fleur-de-lys
Pengam

24th January 2019

Re. Re opening of James Club

Licencing Section

To whom it may concern.

I have a small business in the High Street and I have no objection to the opening of the James Club. I feel it would only enhance the businesses with trade and increase the footfall of the village. It would also bring in local employment and more facilities for families which is needed in this area.

I wish him every success in the future with this venture.

If you wish to contact me my details are [Redacted]
[Redacted]

[Redacted]

[Redacted]

Caerphilly County Borough Council
Directorate of the Environment

No.

Date Received 30 JAN 2019

Date Answered

Referred to

RECEIVED AT
PENALLTA HOUSE
30 JAN 2019



22nd January 2019

FAO: CCBC Licensing Department

Dear Sir/Madam,

Please acknowledge this letter as formal acceptance to the amended conditions of the License application submitted; detailed below.

The following conditions are to implemented:

There shall be no consumption of food or beverages in any outside areas after 22.00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

The premises supervisor, manager or other competent person shall manage the outdoor areas to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place for staff to monitor the external areas on a regular basis.

A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.

Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 07.00 and 22.00 hours

Yours Sincerely ,

A large black rectangular redaction box covers the signature and name of the sender.

Managing Director

Valley Tavern Limited

15 High Street, Fleur De Lys, Blackwood, Caerphilly, NP12 3QW

Thomas, Joanne

From: [REDACTED]
Sent: 30 January 2019 19:23
To: Thomas, Joanne
Cc: Gareth Morris
Subject: Re: New Premises Licence Application - Valley Tavern 15 High Street, Fleur De Lys, Blackwood

Hi Jo

I'm happy with these conditions thanks

Regards

[REDACTED]
Valley water services Ltd
Managing Director
[REDACTED]



[REDACTED]
[REDACTED]
On 30 Jan 2019, at 5:35 pm, Thomas, Joanne <THOMAJ8@caerphilly.gov.uk> wrote:

Good afternoon both,

I refer to your application of 2nd January, 2019 for a new Premises Licence in accordance with the above Act and advise you that representations have been received from the Pollution Team as a designated Responsible Authority under the above Act.

The representations have been submitted in relation to the prevention of Public Nuisance under the Licensing Objectives and they have suggested conditions to be added to the licence to address their concerns. Copies of their representations are attached. Please can you advise whether or not you are happy for these conditions to be added to the licence, should the application be granted.

Kind regards

Joanne Thomas

Swyddog Trwyddedu | Licensing Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

Proposed Conditions

1. CCTV shall be in use at the premises.
 The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;
 The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
 The correct time and date will be generated onto both the recording and the real time image screen;
 If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
 The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
 There shall be clear signage indicating that CCTV equipment is in use and recording at the premises 24 hours a day.

2. CCTV cameras shall monitor all areas used by premise patrons including any external smoking area to monitor numbers and prevent crime and disorder.

3. There shall be no consumption of beverages in any outside areas/specific after 22.00 hours. Adequate notices shall be displayed to inform patrons of this requirement.

4. *Careful consideration should be given as the circumstances in which these conditions may be pertinent i.e. main use cinema or video juke boxes in pubs and clubs.*
 No film shall be exhibited unless –
 it has received a 'U', 'PG', '12A', '15' or '18' certificate of the British Board of Film Classifications; or
 it is a current newsreel, which has not been submitted to the British Board of Film Classification;
 no film classified as R18 may be exhibited in these premises.

No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film, which has received, a '18' certificate from the British Board of Film Classification. In such circumstances a "Challenge 25" policy should be adhered to and valid proof of age required before admittance.

5. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.
6. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
7. The premises licence holder shall required the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
8. All windows and doors to be kept closed to reduce noise impact at neighbouring properties other than when the doors are being used for loading and unloading and for the use of entering and leaving the premises. NOTE This condition shall not prejudice the minimum ventilation levels for health and safety and access to emergency exits shall not be compromised.
9. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises. and are not positioned near openings such as doors or windows.

10. The volume of amplified/unamplified live and recorded regulated entertainment must be at a level so as not to cause a nuisance at the nearest residential property.
11. During times of amplified/unamplified live and recorded regulated entertainment is taking place, staff shall make regular patrols in the immediate vicinity to ensure noise nuisance does not occur at the nearest residential property.
12. The premises supervisor, manager or other competent person shall manage the outdoor areas to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place for staff to monitor the external areas on a regular basis.
13. There shall be no consumption of food or beverages in any outside areas after 22.00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
14. The use of the beer garden of the premises is not permitted after 22.00 other than for the provision of a designated smoking area.
15. The designated smoking area, as referred to in condition 6 shall not exceed the capacity of 10 persons at any one time after post 22.00.
16. Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 07.00 and 22.00 hours
17. Licence holder to display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
18. All lighting for external areas of the premises must be aimed so the beam does not cause nuisance to the surrounding residential areas.
19. All external lighting must be turned off when no longer required.