



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON
MONDAY 24TH MAY 2021 AT 10.00 A.M.

PRESENT

Councillor J. Simmonds – Chair

Councillors:

Mrs D. Price, J.E. Roberts

Together with:

L. Morgan (Licensing Manager), K. Hopkins (Senior Licensing Officer), T. Rawson (Solicitor),
R. Barrett (Committee Services Officer)

Representing the Applicant

Mr N. Jenkins and Mr G. Morris (Valley Tavern)

Representing Other Persons

Mr E. Gough (Local Resident) – by telephone

INTRODUCTION AND RECORDING ARRANGEMENTS

The Chair welcomed all those in attendance and introductions were made. The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3 DETERMINATION OF PREMISES LICENCE APPLICATION - VALLEY TAVERN, 15 HIGH STREET, FLEUR DE LYS, BLACKWOOD, NP12 3UD

The Legal Advisor to the Sub Committee outlined the procedure for the meeting, including the order of representations and the opportunities for all parties to ask questions.

Mr Lee Morgan (Licensing Manager) presented the report and outlined the application submitted for the variation of a premises licence located at Valley Tavern, 15 High Street, Fleur de Lys, Blackwood, NP12 3UD

Members were advised that the application sought to vary the premises licence for the establishment by revising the plan of the property that is included on the current premises licence. The previous café area has been converted into one large bar area and the front entrance to the property has also changed. The opening times of the premises will be 08.00am to serve food but there will be no change to alcohol hours before 11.00am. The current premises licence permits the sale of alcohol, exhibition of film, live and recorded music, performance of dance, late night refreshment and boxing/wrestling entertainment.

An updated plan of the premises was provided as part of the application and attached to the report at Appendix 2. A number of steps had also been volunteered by the applicant as part of the Operating Schedule as per the existing licence, to promote the Licensing Objectives, and a redacted copy of the existing licence was included at Appendix 3.

During the consultation process, the Local Health Board, Environmental Health (Pollution Team), Child Protection Officer, Licensing Authority in their role as Responsible Authority and Police all responded to indicate they had no representations, objections or proposed conditions in respect of the application.

Representations were also received from two local residents in objection to the variation application with full details appended to the Officer's report. One local resident had written to the Licensing Department to state that she would not be attending the subsequent hearing but asked for the other local resident (Mr Gough) to speak on her behalf.

Attention was drawn to the local policy considerations as set out in the report and to the way in which the Sub-Committee would deal with the application. Members were referred to the recommendation set out in the Licensing Manager's report, which recommended that given the nature of the variation application, and in the absence of any concerns to the application from Responsible Authorities, the variation of the premises licence be approved.

All parties present were afforded the opportunity to ask questions of the Licensing Manager. Mr Gough (Local Resident) made reference to the installation of air conditioning on site that had been mentioned by the applicant at the previous Sub Committee hearing, and in referring to windows being opened at the premises in Summer 2020, asked if this matter had since been resolved.

Mr Morgan confirmed that the conditions of licence requires windows and doors to be kept closed and summarised these to the Sub Committee, although it was noted that this condition should not prejudice the minimum ventilation levels required for health and safety. Mr Gareth Morris added that the premises had made significant investment in air conditioning equipment over a year ago, but that there were occasions where the premises windows had been opened to allow ventilation due to Covid-19 regulations.

Representations were then invited from the applicant, Valley Tavern Limited.

Mr Nathan Jenkins from Valley Tavern addressed the Sub Committee and outlined the reasons for the variation application. He explained that they had taken away a walkway around the building and removed two internal walls to create more space, which had been signed off by Building Control, and so Valley Tavern were confused by the objections as there would be no impact to residents. On the contrary, this would help as there is now only one entrance to the premises and patrons can walk up to the side rather than congregating on the highway, particularly when they wish to smoke.

Mr Gareth Morris from Valley Tavern added to the representation and explained that there had been some changes to the outside area as a result of Covid-19 restrictions but did not

form part of the variation, and all processes had been put in place to minimise disruption.

Mr Morris then addressed the concerns set out in Mr Gough's written representation and responded to each of these in turn. He explained that in regards to complaints around public urination in the side alley, security staff monitor this area but they are limited in what they can do. The number of security cameras at the premises have now increased to 30, fighting that takes place off the premises is outside the control of the establishment, and broken glass in the area is not from the premises as patrons are not allowed to leave with drinking glasses. The police have attended several times but this is mainly to request CCTV footage for matters inside and outside of the premises. Mr Morris also emphasised that the premises deters drug use and is able to search patrons on the premises but that drug-taking off the property is outside of their control.

Representations were then invited from the local resident, Mr Gough.

Mr Gough summarised his concerns and raised a number of questions for the applicant. He expressed concerns about the change in layout due to the number of front exits being reduced from three to two doors, and the additional noise being created as a result of one door being permanently open. Mr Gough commented that air conditioning at the premises would be ineffective if doors are left open. He asked if the door between the exterior and bar area would be open on a regular basis due to security being positioned at that door. Reference was made to staff smoking and dropping cigarette litter in that area. Mr Gough also referred to the existing Condition 1 at Annex 3 of the report relating to windows and doors to be kept closed and claimed this was added following the decision reached at the previous premises hearing in 2019. He referenced the placement of the indoor stage area facing the windows and stated that this did not meet Condition 2 of the licence. He also referred to the car park being used as an extension of the outside area and asked if this would continue.

Mr Jenkins responded to the points raised by Mr Gough. He explained that the air conditioning was not operational when the windows were first opened; they had been installed but there were several issues with the functioning of the equipment and that staff would open the windows if it was particularly hot in the premises due to health and safety considerations. Mr Jenkins outlined the setup of the stage in the premises and explained that the performers and sound systems used to face the windows; these have now been re-positioned so they have their backs to the windows and are facing inwards. The premises also made enquiries about installing an "acoustic film" for windows to reduce decibels but did not feel the reduction in noise levels would be significant.

Mr Lee Morgan (Licensing Manager) clarified that Condition 1 at Annex 3 referenced by Mr Gough was added at the original premises hearing in 2019. Regarding the use of the outside area, he explained that due to the Covid-19 situation, the government has permitted any premises with an on-sales facility to enjoy an automatic off-sales provision but that this arrangement will come to an end when restrictions ease. He also confirmed that the applicant is permitted to provide alcohol on an on or off sales basis within the confines of the land it owns but if it does not own the premises then they should not be using the area concerned.

Mr Gough sought reassurance from the applicant that the problems with the air conditioning system had been resolved and windows would not be opened in future. He referred to the considerations around health and safety and stated there was no maximum upper temperature level.

Mr Jenkins confirmed that the premises had been closed for nearly a year but that the problems with the air conditioning system had now been rectified. He added that he would be happy to remove the gazebo to the rear of the premises now that Covid-19 restrictions on indoor use had been lifted. He stated that if the licence states the premises can open windows, he will continue to do so and also that he has no control over patrons who choose to open windows.

Mr Gough confirmed that he was happy with the offer to remove the gazebo and the increased use of the beer garden. He sought clarification on the condition which he believed were added after the original hearing and stated his belief that the premises did not own all the land on which it operates.

Mr Jenkins explained that the question of ownership relates to a piece of land at the rear of the property for which the premises is in the process of purchasing and that this has been brought to the Council's attention. Mr Gough suggested that this was previously used as a cemetery and could be considered to be consecrated ground.

Mr Lee Morgan explained that he was unable to comment on the position in respect of this land and reiterated that Condition 1 was added at the last premises hearing on 19th February 2019. He further explained that the Licensing Sub Committee may impose any conditions they feel are relevant to the grant of a licence, and this would have formed part of the decision notice which would have been disseminated to all parties as part of Licensing procedure. Mr Gough indicated he was satisfied with this explanation.

Mr Gough reiterated his concerns regarding the sole door between the bar and exterior of the premises and that the air conditioning would not work if this door was kept open, explaining that previously there were two doors which would have formed an airlock-type scenario. He remained concerned that this door would now be kept open more or less permanently.

Mr Jenkins pointed out that the air conditioning system would only be used on rare occasions during hot weather and that to keep noise to a minimum, the door would be kept shut. He suggested that he could ensure that security stand outside this closed door and confirmed that he would also address the issues raised around staff smoking and cigarette litter.

All parties were then afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision.

The Licensing Manager referred Members to the information and guidance in the report and to the representations heard at the meeting, together with the recommendation at Section 1.10 of the report.

Mr Gough confirmed that he had nothing further to add. He thanked the applicants for their responses and hoped that there would be positive progression and no need for further complaints.

Mr Morris referred to the extensive discussion around air conditioning and reiterated that this system is rarely used. He confirmed that he would raise the issues around the door being left open and staff smoking in his weekly meeting with security staff. He emphasised that he was open to discussion with residents and if they had any concerns, these could be raised directly with him and would be addressed. In addition, Mr Jenkins thanked Mr Gough for his comments, reiterated the willingness of the premises to deal with complaints in-house and offered to pass his contact details to Mr Gough following the meeting.

The Legal Advisor informed all parties present that the Sub Committee would retire to consider the representations made at the meeting and they would be informed in writing of the decision in the next 5 days.

The Sub Committee retired at 10.53 a.m. to make its decision and all other parties left the meeting.

Following consideration of the application for the variation of a premises licence for Valley Tavern Limited, 15 High Street, Fleur de Lys, Blackwood, NP12 3UD, and having regard to the Licensing Manager's report and all the representations made, the Licensing and Gambling Sub Committee unanimously

RESOLVED that the application for the variation of a premises licence, to alter the layout plan of the premises, be GRANTED as per the variation application.

In making their 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 took into account that the internal variation to the layout of the premises was relatively minor. They took into account that the residents' concerns regarding excess noise had not been corroborated by any evidence of prior complaints made to or received by any of the Responsible Authorities. The Sub Committee were not satisfied on the evidence before it that there had been any breaches of the existing licence conditions that would weigh against granting the variation as sought by the Applicant. Whilst the Sub Committee heard submissions in regards to the efficacy of the air conditioning at the premises, this was not given much weight by the Sub Committee given the lack of evidence of noise nuisance complaints from members of the public.

The Sub Committee were satisfied that the prior record of the Applicant and its recognition and awareness of its responsibilities in this regard within the hearing, satisfied the Sub Committee that the granting of the application would not detract from the promotion of any of the 4 licensing objectives, in particular the promotion of public nuisance. The Sub Committee took into account the other factors, such as purported urination in the alleyway, but the evidence was not clear whether the problem originated from patrons or members of the public. The Sub Committee gave consideration whether the variation sought would derogate from the 4 licensing objectives in connection with the possible acts of public nuisance. The Sub Committee concluded that the variation would not effect the same.

The decision notice advised that any person aggrieved by the decision had the right to appeal to the local Magistrates Court within 21 days from the date of written notification of the decision.

The meeting closed at 11.27 a.m.