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

Date: 11th June 2021

Dear Sir/Madam,

A digital meeting of the **Licensing and Gambling Sub Committee** will be held via Microsoft Teams on **Friday, 18th June, 2021 at 10.00 am** 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.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Yours faithfully,

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

Christina HARRY
CHIEF EXECUTIVE

A G E N D A

- | | Pages | |
|---|-----------------------------------|--|
| 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.

A greener place Man gwyrddach



To receive and consider the following report:-

- 3 Licensing Act 2003 - Determination of Premises Licence Application - Sports Ground Pavilion, Wattsville Recreational Ground, Islwyn Road South Lane, Wattsville, Crosskeys, NP11 7QH.

1 - 48

Circulation:

Councillors W. Williams (Vice Chair Presiding), D. Cushing and Mrs D. Price

And Appropriate Officers

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LICENSING AND GAMBLING SUB COMMITTEE – 18TH JUNE 2021

**SUBJECT: LICENSING ACT 2003 - DETERMINATION OF PREMISES
LICENCE APPLICATION**

REPORT BY: LEE MORGAN LICENSING MANAGER

1. Application Details – Wattsville Community Group

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Wattsville Community Group	Sports Ground Pavilion, Wattsville Recreational Ground, Islwyn Road South Lane, Wattsville, Crosskeys. NP11 7QH.	Variation of Premises licence

1.1 Application for Variation of Premises Licence

An application has been submitted to apply for a variation to the premises licence for the above premises under the Licensing Act 2003. The proposed application for consideration is set out in 1.3 of this report.

1.2 Site Plan/Photographs

The plan of the licensed area is reproduced as **Appendix 1**.

A location plan is reproduced as **Appendix 2**.

1.3 Proposed Trading Times and Licensable Activity

The variation application seeks to permit the following Licensable Activities:-

Sale of alcohol and playing of recorded music (Indoors) Mon to Sat 12:00 to 23:00 & Sun 12:00 to 22:00 with additional non-standard timings for New Year's Eve until 02.00 & Bank holidays until midnight.

Increase in size of licensable area including on & off sales to cover the external compound area to the rear of the building as per attached plans.

Add live music (indoors & outdoors) between the hours 12:00 to 23:00 Monday to Sunday with additional non-standard timings for New Year's Eve until 02.00hrs & Bank holidays until midnight.

The applicant proposes to amend an existing condition to include additional CCTV cameras to the external areas of the premises.

- 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:-

All Staff to be DBS checked.

1.3.2 Existing Permissions

The existing premises licence currently permits

Sale of alcohol (indoors only)

Monday to Friday 19.00 – 23.00

Saturday 12.00 to 23.00

Sunday 12.00 to 20.00.

Recorded Music provision (indoors only)

Monday, Tuesday, Thursday and Friday, 1900 to 2300

Wednesday, 1700 to 2300

Saturday, 1200 to 2300

Sunday, 1200 to 2200

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:

No representation comments were received from the Fire and Rescue Service and Environmental Health (Health & Safety Team).

Police

Document	Date Received	Appendix Reference
Initial Representation	20/5/2021	Appendix 5

Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
Initial Representation	24/5/2021	Appendix 6

Environmental Health Officer Pollution Team

Document	Date Received	Appendix Reference
Initial Representation	24/5/2021	Appendix 7

Child Protection Officer

Document	Date Received	Appendix Reference
Initial Representation	27/4/2021	Appendix 8

1.5.2 Other Persons:

Residents

Document	Date Received	Appendix Reference
Resident A Representation	5/5/2021	Appendix 9a
Supplementary Comments	13/5/2021- 30/5/2021	Appendix 9ai
Residents B Representation	23/5/2021 -24/5/2021	Appendix 9b
Resident C Representation	24/5/2021	Appendix 9c

1.6 SUMMARY OF REPRESENTATIONS

Heddlu Gwent Police made no objection to the variation and sought additional conditions in respect of the outdoor area, restricting its use to 22.00hrs. The Police have advocated provision of CCTV to include all external and internal areas covered by the licence. The Police also sought additional notices be displayed at the premises in relation to controlled substances / weapons and reminding patrons to leave the premises quietly, implementation of Challenge 25 proof of age scheme and a training requirement relating to dealing with difficult customers and safeguarding.

The Licensing Authority in its role as a responsible authority, whilst making no objection has noted and agreed with the comments of the Police in relation to use of the outside area limiting this to 22.00hrs. Notices to this effect for the attention of patrons were also proposed. A requirement was also proposed to ensure the regular monitoring of the outside area.

Concern was expressed in relation to the increased hours proposed for live/recorded music in relation to New Year's Eve, Bank Holidays and Saturday/Sundays preceding the same in respect of proximity of local residents, given the intermittent use of the premises as a result of Coronavirus which meant that the impact on residents was unknown. The Licensing Authority advocated that these non-standard timings for live/recorded music were limited to midnight on New Years Eve and 23.00hrs for Bank Holidays and Saturday/Sundays preceding the same.

It was also advocated that the premises should be clear of customers within 30 minutes of the last supply of alcohol on any day.

The comments of the Environmental Health Noise Pollution Officer also advocated curtailment of the outdoor area to 22.00hrs and advocated limiting the use of the smoking area to no more 5 persons after this time.

Where entertainment may be held after 23.00hrs, the Environmental Health Officer has proposed that all windows and doors are closed (except for access/egress) and that the volume of entertainment at a level which does not cause a nuisance to the nearest residential property. A further condition was advocated in relation to monitoring of the perimeter of the premises for noise breakout (although this will only apply after 23.00hrs)

The Child Protection Officer has advocated conditions in respect of Challenge 25 proof of age scheme and a documented staff training requirement in respect of underage sales.

Relevant representations have been received from 3 residents during the 28 Day consultation process. The residents object to the to the additional permissions in relation to alcohol and entertainment proposed by the variation application.

Resident A submitted initial concerns within a questionnaire format, referencing a number of issues attributed to the premises in respect of drunken behaviour, nuisance, anti-social behaviour, safety and use of the premises by persons who do not live within the village. The resident has subsequently amplified her concerns about patrons not being locals, the lack of lighting in the rear lanes and extended hours would give rise to noise and drunkenness. Reference was made to incidents on Saturday 29th May and Sunday 30th May in respect of cars, music, screaming children and outside drinking, preceded by an incident where two drinkers had urinated against the club house. (Nb. Temporary Event Notice in place from 28th-31st May 2021)

Resident B concerns relate to the potential for parents to drink drive, if additional alcohol hours are permitted and reference was made to the club breaching outside drinking rules. The resident indicated that he would not attend a public meeting in view of harassment received from club members and committee.

Resident C details that the club has applied to vary its licence only 6 months after the initial licence was granted. Concern is expressed that the majority of people supporting the venture do not live in the area or close by to be affected by noise or parking issues and those who will be directly affected seen as negative/miserable. Reference is made to antisocial noise from music from a sound system on the first Saturday that outdoor drinking took place and antisocial behaviour exhibited at football matches / training sessions which involves foul language. Reference is made to use of a Facebook page in which the club posted information as to menu and bar opening hours but not the promotion of the variation application and a concern that residents are scared to make representations for fear of aggressive comments in return on this platform.

Concern is expressed about the increased alcohol provision for each day including Bank Holidays which could lead to noise and antisocial behaviour. Car parking concerns are referenced which it was felt could become worse with additional alcohol provision. The resident feels that the changes proposed are not reasonable to local residents and feels that they have not been open long enough to gauge if more hours are appropriate.

1.7 APPLICANT RESPONSE

The Applicant has responded and agreed to the proposed curtailment of entertainment on Bank Holidays, use of the outdoor area and conditions advocated by the Police, Licensing

Authority, Environmental Health Pollution Team and Child Protection Officer. No response has been received in relation to resident concerns at the time of preparing this report.

1.8 LICENSING ASSESSMENT

THE LICENSING ASSESSMENT IS A PROVISIONAL SUMMARY, BASED ON REPRESENTATIONS RECEIVED PRIOR TO THE HEARING. THE HEAD OF PUBLIC PROTECTION, COMMUNITY AND LEISURE SERVICES RESERVES THE RIGHT TO AMEND OR VARY THE PROVISIONS CONTAINED IN THE SUMMARY AND RECOMMENDATION, SUBJECT TO ANY CHANGE IN THE MATERIAL FACTS THAT BECOME KNOWN AT THE HEARING. 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;
- 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:-

- Licensing Act 2003
- Statutory Guidance issued under S182 of the Licensing Act
- The Council's own licensing policy, and
- All representations made and 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.

1.9 OBSERVATIONS

This application seeks to vary the existing Premises Licence held to increase permissions for sale of alcohol hours, to effectively commence alcohol sales earlier during the day. The existing premises licence permitted the sale of alcohol Monday to Friday from 19.00hrs until 23.00hrs and 12.00 to 23.00hrs, Saturday and 12.00 to 20.00hrs on Sunday, whereas the variation seeks to permit the ability to sell alcohol from midday, 7 days a week. The variation also seeks additional hours from 20.00 to 22.00hrs on a Sunday.

In addition, increased alcohol hours are sought on New Year's Eve and Bank Holidays and Saturday / Sundays preceding a Bank Holiday as is provision for live and recorded music. This would effectively permit sale of alcohol until 02.00 on New Year's Eve and midnight on Bank Holidays and Saturday / Sundays preceding a Bank Holiday. Although the Licensing Authority in its role as Responsible Authority has restricted entertainment times to Midnight on New Year's Eve and 23.00hrs on Bank Holidays and Saturday / Sundays preceding a Bank Holiday.

The variation seeks to increase the size of licensable area to include on & off sales to cover the external compound area to the rear of the building. This replacing the existing on sales provision only. The Police, Environmental Health Officer and Licensing Authority in role as Responsible Authority have collectively advocated curtailment on use of this outdoor area to 22.00hrs, which has been accepted by the applicant.

Whilst the applicant has detailed provision of live and recorded music on his application up to 23.00hrs, this would be afforded by virtue of live music exemption / recorded music deregulation following the grant of the existing premises licence.

As part of the application, the applicant proposes to amend an existing condition to include additional CCTV cameras to the external areas of the premises.

No objection to the variation was received from any of the Responsible Authorities (RA's). It is noted that the Police, Licensing Authority in role as responsible authority, Environmental Health, (Noise Team) and Child Protection Officer have all advocated conditions or curtailment to some activities applied for, which have been accepted by the applicant. No concerns to the variation were expressed by the Fire Service / Environmental Health (Health & Safety Team).

The Responsible Authorities (RA's) therefore appear to be satisfied with the applicant's ability to promote the licensing objectives. No adverse comments have been brought forward by responsible authorities as a result of Temporary Event Notices (TEN's) given to the Licensing Authority to permit outdoor alcohol provision following the outdoor re-opening of the hospitality sector. The premises existing 'on sales' permission would have not permitted the use of the newly constructed outdoor area.

Paragraph 9.12 of the Section 182 Home Office National Guidance states - *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 area. 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.*

Relevant representations making objections to the granting of the premises licence have been received from 3 residents. It is noted that two of the residents separately referenced a fear or concern with regards the aggressive nature of comments allegedly made towards residents, making them scared to make representations in respect of the application.

One of the resident concerns relates to the usage of the premises by persons who are not resident in the village. However, Members of the Committee can have no regard to where premises users may reside when determining a variation application under the Licensing Act.

Members of the Sub Licensing Committee will be required to determine the application in relation to the promotion of the four licensing objectives i.e prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm in relation to any licensable activities. However, they will not be able to consider nuisance arising from increased footfall, vehicle usage, parking issues linked to provision of sports or other activities which are not licensable activity under the Licensing Act. The Council's Licensing Policy details at Paragraph 28.5 that *'Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.'*

Advice is offered in relation to hours within the Section 182 Home Office 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.

The Council's Licensing policy at paragraph 11.7 also recognises that *'The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.'*

It is noted that aside from detailing on their operating schedule that *'all staff will be DBS checked'* the applicant has failed to identify measures that would assist its promotion of the licensing objectives in relation to the variation sought. The Responsible Authorities have addressed this in their representations. However, the applicant should ensure that they meet their obligations in respect of promotion of the licensing objectives and that any conditions that are attached to the licence are met and will continue to be met.

Paragraph 11.6 of the Council's Licensing Policy details the following expectation of licensees and states *'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.'*

In relation to complaints in relation to possible noise concerns from entertainment at the premises, protection will be afforded to residents by virtue of Statutory Nuisance provisions of the Environmental Protection Act 1990.

Should allegations relating to crime and disorder, public nuisance and anti-social behaviour be witnessed by residents and the promotion of the licensing objectives be undermined, then residents should bring these matters to the attention of the Police, Environmental Health and Licensing team by way of complaint, in order that they can be investigated.

To determine whether there is a statutory nuisance, matters are normally investigated through monitoring of the premises following a stepped approach to advice, guidance and ultimately enforcement. Where evidence of Public Nuisance is established, this could give rise to Review proceedings of the Premises Licence under the Licensing Act.

Should there be evidence where public nuisance or indeed any of the licensing objectives are being undermined i.e prevention of crime and disorder, public safety or protection of

children from harm, then Review proceedings could follow. Both Responsible Authorities and Other Parties e.g residents have the ability to call for a review of the premises licence where there is such evidence.

The National Guidance at paragraph 11.1 details *'The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.'*

The Council's Statement of Licensing Policy details at paragraph 36.2 *The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints.*

Paragraph 19.7 of the Council's Statement of Licensing Policy details that *'It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.'*

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 application for a Premises Licence be **granted subject to conditions and permitted hours as detailed within Appendix 10.**

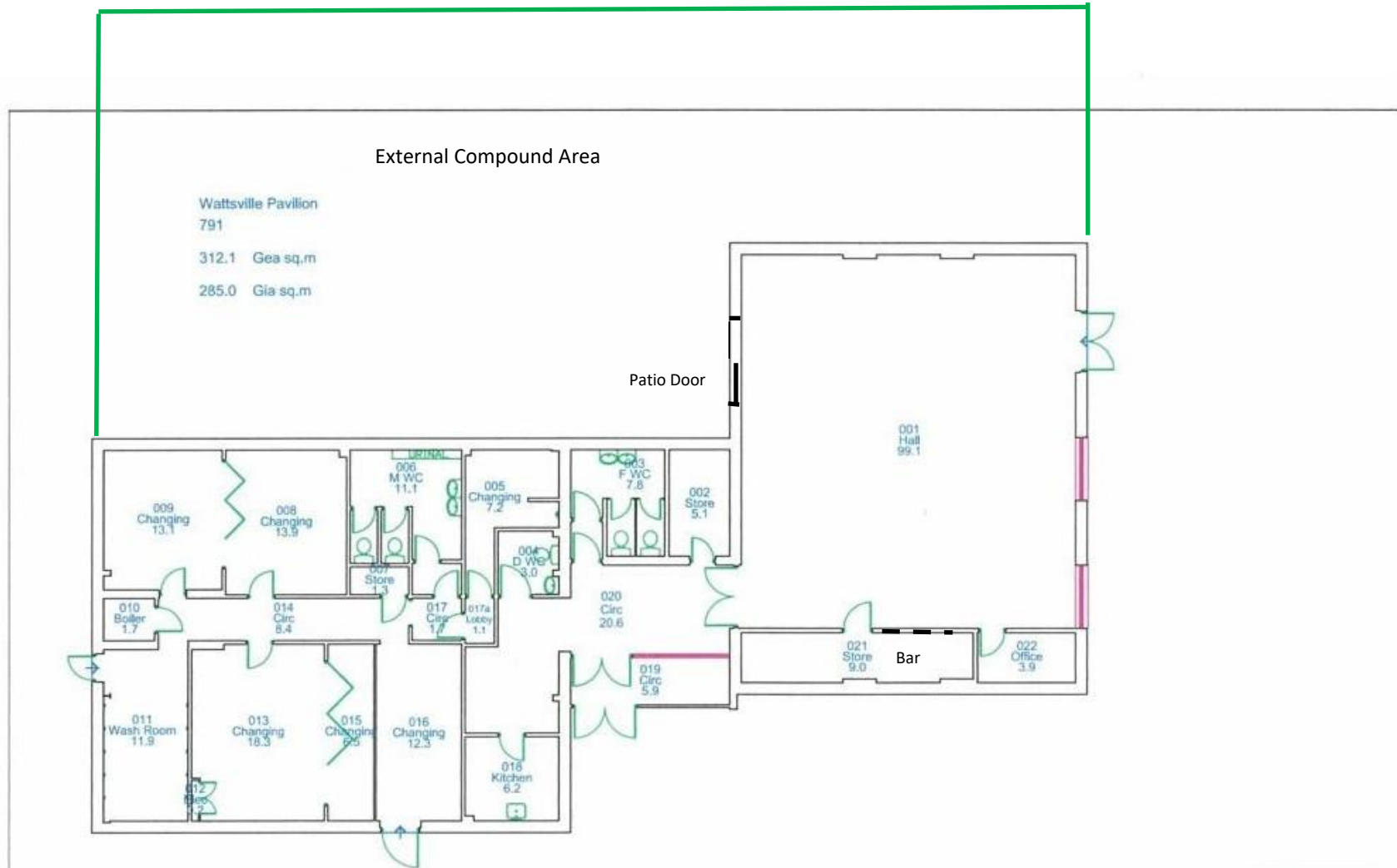
In reaching this conclusion, it is noted that there are no objections to the application from Responsible Authorities who have advocated conditions or curtailment of outdoor usage / limitation on live/recorded music provision on Bank Holidays and preceding Saturday / Sundays. It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in **Appendix 10.**

However, there will be an expectation that the applicant will take steps to ensure familiarity and compliance with their licence and ensure the promotion of the licensing objectives.

Background Papers: Statutory Guidance issued under S182 of the Licensing Act
Caerphilly CBC Statement of Licensing Policy

Date of this report: 7th June 2021

Author: Lee Morgan – Licensing Manager Tel: 01443 866750



Head of Performance and Property Services: Mr Colin Jones

job title	Wattsville Pavilion Recreation Ground Islwyn Road, Wattsville
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drawing title	Floor Plan
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date	March '07	scale	1:100	drawn	JSH	last update	March '14
job no.	0404	drawing no.	01	RAMIS PIN: 10302			

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Extract of Statement of Licensing Policy

5.6 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.

5.7 Applicants and existing licensees should be mindful of local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.

10.1 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.

10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

10.3 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.

11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. 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 these parties which may be disproportionate and unreasonable.

11.2 The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.

11.3 The Licensing Authority recognises that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being. The Licensing Authority recognises the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and

depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases. Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

11.5 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. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

11.6 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;
- extended opening hours are proposed.

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

11.8 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring.

14.3 Amendments to the Act has inserted the term 'other person' to replace 'interested party' as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:-

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local councillors
- Businesses with an interest in the premises or locality.
- Organisations with an interest in the locality, premises or licensable activities.

22 The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; • The protection of children from harm.

19.5 A licence may be issued subject to conditions, which must be complied with at all times whilst the premise is being used for licensable activities during the times specified in the licence. Failure to comply with the terms and conditions of a licence or if licensable activities are carried out without a premises licence, may result in a fine, which is unlimited or a term of imprisonment of up to 6 months, or both.

19.7 It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

25.7 Conditions on a licence: • Must be appropriate for the promotion of the licensing objectives; • Must be precise and enforceable; • Must be unambiguous and clear in what they intend to achieve; • Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation; • Must be tailored to the individual type, location and characteristics of the premises and events concerned; • Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case; • Should not replicate offences set out in the 2003 Act or other legislation; • Should be proportionate, justifiable and capable of being met; • Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and • Should be written in a prescriptive format.

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises,

location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.

27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.

28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.5 Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.

28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.

28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

36.2 The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints.

Extract of National Guidance issued under Section 182 of the Licensing Act 2003

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

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.

2.15 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.

2.21 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.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of

how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what

might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

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.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

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.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

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.

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HEDDLU GWENT POLICE

RELEVANT REPRESENTATIONS
PREMISES LICENCE /CLUB PREMISES CERTIFICATE
or VARIATION OF THE ABOVE

S.18, 41A, 72 and 86A of the LICENSING ACT 2003

Representations by the Police to be made within 28 Days of receipt of the application.

Date application received: 27/04/21

Date representations sent to Licensing Authority: 20/05/21

Date representations sent to applicant:

Name of authority: **Caerphilly County Borough Council**

Premises Name and Address: **Wattsville Community Group, Sports Ground Pavillion, Islwyn Rod, Wattsville. NP11 7QH.**

Applicant Address: **Wayne Brinkley, Blackwood. Cwmfelinfach. NP11 7HH**

Gwent Police has received an application for a premises licence under the Licensing Act 2003 in respect of the above-named premises.

Having visited the site and spoken to the applicant, whilst Heddлу Gwent Police do not wish to object to the application it has concerns regarding the use of the outside area late at night. Given its location there is a potential for crowds of people to congregate outside which could cause a nuisance/disturbance in the area, there are a number of residential properties in close proximity.

Heddлу Gwent Police would advocate that the use of the outside area be restricted to 2200hrs.

The addition further CCTV which currently consists of 4 external cameras only would undoubtedly assist in promoting all four of the licensing objectives.

Having regards to the above and the conditions proposed by the applicant Representations have been made on the following grounds which Gwent Police believe would assist the applicant in promoting one or more of the Licensing Objectives, and would therefore request the following conditions under the 4 licensing objectives :

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. The Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Gwent Police would therefore request the following conditions:

1. The use of the outdoor area be restricted to 2200hrs.
2. The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
3. CCTV shall be in use at the premises.
 - (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the grant of the licence.
 - (ii) 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;
 - (iii) 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;
 - (iv) The correct time and date will be generated onto both the recording and the real time image screen;
 - (v) 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;
 - (vi) 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;
 - (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during licensable hours.
 - (viii) CCTV to include all external and internal licensable areas.
4. The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
5. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.
6. The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in the premises, especially for outdoor events/use.

7. A 'Challenge 25' policy will be in place for checking persons suspected of being underage. No alcohol shall be supplied to a person who appears to be under the age of 25 unless they provide identification that proves that they are 18 years of age or older when the alcohol is supplied. The only acceptable forms of identification for proof of age shall be a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card. The proof of age scheme will be robustly enforced by the DPS and all staff. Posters stating that the age verification scheme is in operation shall be clearly displayed in the area of the bar.
8. All refusals will be kept in a refusals book detailing the time, date, and the goods the person serving refuses and the name of the persons who tried to purchase. If no name is given, then a good description will be recorded. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
4. Any person working in the premises is to be trained with respect to underage sales and in how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Such training shall be updated as necessary when legislation changes. Training should be clearly documented, signed and dated by both the trainer and the person receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
5. Disorderly customers will be asked to leave the premises.

The aforementioned are proposed to assist in promoting the key licensing objectives. If the applicant wishes to discuss any issues they are welcome to contact me.

If the applicant agrees to the above representations then Gwent Police will withdraw their Objection.

PC 328 Williams

Police Harm Prevention/Licensing Officer

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY (Please delete as applicable) – Licensing

Name and Address of Applicant	Wattsville Community Group
Premises	Sports Ground Pavilion, Wattsville Recreational Ground, Islwyn Road, South Lane, Wattsville

Your Name	Annette Dicks
Date	24 th May 2021
Job Title	Assistant Licensing Manager
e.mail Address	dicksa@caerphilly.gov.uk
Contact Telephone Number	01443 866750

Which of the four Licensing Objectives does your representation relate to?	✓
The Prevention of Crime and Disorder	✓
Public Safety	
The Prevention of Public Nuisance	✓
The Protection of Children from Harm	

<p>Please outline the reasons for your Representations</p> <p>The application seeks to vary the hours of supply of alcohol from 12:00 to 23:00 Monday to Friday (currently 19:00 to 23:00), 20:00 to 22:00 on Sunday and to include New Year's Eve from 12:00 to 02:00, and from 12:00 to 00:00 on Bank Holidays and Saturday and Sunday preceding a Bank Holiday for both on and off sales (currently on sales only). The application also seeks to include live music both indoors and outdoors from 12:00 to 23:00, for which a premises licence is not required during these times, providing that the audience does not exceed 500. Non standard timings for live music however until 02:00 on New Year's and till midnight on Bank Holidays and Saturdays and Sundays preceding a Bank Holiday, have also been applied for, for which a licence would be required from 23:00 and where conditions, if granted, can be imposed on the premises licence. Similarly the applicant has also requested recorded music (indoors only) for the above non standard timings. The premise currently provides recorded music under the exemptions as detailed above. The application also seeks to include the external compound area situated to the rear of the building.</p> <p>The premise has been visited by myself together with the Police and Environmental Health, as Responsible Authorities under the Licensing Act, and discussions undertaken with a member of the Community Group, as the premises licence holder. Given that the premises is situated in a residential area, and given its close proximity to residential properties, the Licensing Authority has concerns regarding the potential public nuisance that may arise from these activities to persons within the vicinity. The attached</p>
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photos illustrate the close proximity to residential properties. The Licensing Authority would therefore support the representations submitted by the Police in relation to the restriction of the use of the outdoor area after 22:00. The Licensing Authority has some concerns regarding the extension of hours on New Year's Eve till 02:00, Bank Holidays and Saturday & Sundays preceding bank holidays to 00:00, for the provision of live and recorded music inside the premise, due to its close proximity to residents. Given that the premise has only been licensed for a number of months, the majority of which the premise has not been able to trade due to Covid 19 restrictions, the impact of its use on neighbouring properties is therefore unknown. Having regard to the above, the licensing authority would not support the application for non standard timings for live and recorded music and would suggest these be restricted to 00:00 on New Year's Eve and 23:00 on Bank Holidays and Saturday and Sundays preceding a Bank Holiday.

It is noted that the applicant has not offered any mitigation in respect of the prevention of public nuisance licensing objective. To promote the licensing objectives in respect of this application, the licensing authority would advocate the following conditions in addition to those submitted by the Council's Child Protection Officer and where appropriate Heddli Gwent Police, subject to those conditions already imposed on the premise licence:

<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 suggested conditions are as follows:</p> <p>The use of the outside licensed area of the premises is not permitted after 22:00. 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>The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.</p>
<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.

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:	Wayne Brinkley Blackwood Cwmfelinfach NP11 7HH
Premises	Sports Ground Pavilion Wattsville Recreational Ground Islwyn Road South Lane Wattsville NP11 7QH

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>Following a visit to the above premises on 18 May 2021, the Pollution Control Team is of the opinion that the application submitted has the potential to undermine the licensing objective 'The Prevention of Public Nuisance'.</p> <p>The allowance of licensable activities such as the supply of alcohol along with regulated entertainment within outdoor areas encourages the congregation of sizable</p>

		<p>crowds of patrons for elongated time periods which has the potential to cause significant disturbance within the nearby residential vicinity, especially in external areas.</p> <p>As discussed with the applicant, whilst it is accepted that the introduction of the Live Music Act 2012 makes certain allowances regulated entertainment within licensed premises, it is not believed by this Authority that this Act was intended to de-regulate to the extent that other legislation such as the Environmental Act 1990 is contravened.</p> <p>The wording of the licensing objective suggests that the licensing regime is intended to 'prevent' occurrences of nuisance not to create instances where a noise nuisance occurs.</p> <p>Therefore, in addition to the conditions recommended by the Heddlu Gwent Police and the Licensing Authority, I would require the following conditions/ advice to be accepted by the applicant before any objections are withdrawn.</p>
The protection of children from harm	No	

<p>What conditions could be added to the license to remedy your representation that the Licensing Sub-Committee could take into account.</p>	<ol style="list-style-type: none"> 1. 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. 2. The use of all outdoor areas of the premises is not permitted after 22:00. Other than access solely for the use of a smoking area. 3. The smoking area shall not exceed the capacity of 5 persons at any one-time post 22:00. 4. No alcohol shall be consumed or taken into any outdoor area post 22:00. 5. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises
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	<p>6. The manager, licence holder or other competent person shall carry out observations at the boundary perimeter during the periods of amplified/ un-amplified recorded entertainment at regular intervals whilst the Premises Licence is being exercised, in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.</p> <p>a. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.</p> <p>7. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>No/ 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: **24.05.2021**

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.**



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Children’s Services

Name and Address of Applicant	Sports Ground Pavilion Wattsville Recreational Ground Islwyn Road South Lane Wattsville
Premises	Sports Ground Pavilion

Your Name	Deborah Lewis Date 27.04.2021
Job Title	Child Protection Coordinator
e.mail Address	Lewisdj1@caerphilly.gov.uk
Contact Telephone Number	01443864616

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		
The Protection of Children from Harm	✓	I have reviewed the application and I note no licensing objections have been suggested by the applicant. I believe there should be a level of monitoring and scrutiny applied and I therefore, recommend the following be considered; -

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>W6.5.20 hat conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>SA01 All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated on an annual basis, or 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.</p> <p>SA02 (a) 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.</p> <p>SA06 All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.</p> <p>SA07 All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes or No 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

Islwyn Road
Wattsville
Crosskeys
NP11 7QH

Dear Sirs

A small questionnaire to determine how many “Yes” answers you can provide

1. Would you like constant traffic behind your house with parking directly outside your back gate preventing any visitors access?
2. Would you like drunken behaviour directly behind your residence in what is really a private lane?
3. Would you like to hear loud music blaring at night when you’ve gone to bed early for the purpose of having to start early the next morning?
4. Would you like to go out through your back gate at night because of boozed up people?
5. Would you like to sit in your garden in the summer evening listening to loud music and noise coming from close by?
6. Would you like every weekend to be a bloody living nightmare?
7. Would you like the smell of barbeque wafting over your gates onto your washing?
8. Would you like to receive a load of abuse because you politely asked someone to move their car from your gate because it is the only access for your 80-year-old mother? Or because of loud noise?
9. Would you like your dog to be constantly barking because of noise?
10. Would you enjoy anti-social behaviour being directly outside your garden something I had hoped would never again be experienced following the closure of the Jubilee Club?
11. Would you like a whole crowd of people who are not from your village trashing your whole piece and quite in a place that was never intended for social entertainment?

If your answers were “Yes” then forgiving my writing. However, in all honestly, I suspect you were completely non-plussed. However my answers were all in the negative yet it appears that the powers that be give little thought to the villagers whose lives will be intruded upon should the so called “Wattsville Football Club” be granted extended allowances to their agreed licence, to the club house behind

Islwyn Road. No consideration whatsoever appears to be given to those who live in the area, and as for the club's request to extend closing times on certain holiday periods – it's a totally slap in the face. These people are outsiders - NOT villagers. It would appear this was their game plan all along and somebody has the wherewithal to pass it. I am sure we will all be seeking rate reviews along with police intervention if you agree to these new requests by these inconsiderate people. The venue is way too close to occupied houses to be granted a licence for live music. I have played in bands and know too well how loud these events are. This item should most certainly be off the agenda – It is not of benefit to the villagers **at all!!**

In the event that you hadn't already surmised – this is a letter of strong and definite complaint as it is my house which would be one of those most certainly affected.

P.S. Notices were put up in the village advising non-facebook users to read a notice put up on the pavilion gate (again not in full public view). These have been taken down so not everyone in the village will be aware – just as last time.

In addition I will also add, the club has already set out 16 benches and seats in the outside area in the full knowledge that these additional requests will be granted by your committee with no thought at all going to the close by residents whose peace and privacy appears not to matter- as does the parking issues.

YET AGAIN!! NOTICE ON GATE IS NOT IN A PROMINENT POSITION and can only be seen by club users. Also, we do **NOT** have a village newspaper so residents will NOT see this info as was the case in previous application – **ALL DONE BEHIND OUR BACKS**

Jan whitehill

Wed 26/05/2021 04:14

Further to your email, the comments therein are noted and there really is no point in providing a contact number because I have learned that words really are just blank pages and as in politics promises are made but seldom are they kept once the party is voted in. The football club is going under the guise of a community accessory but will become a drinking place for non locals. Dark back lanes will become threatening places for the residents and not only will we have to contend with the traffic noise from the front of our houses but our peace in our back gardens will be taken away too. What was originally intended to be a clubhouse selling canned drinks has now been given the silent ok to become a public house as is obvious by the beer barrels visible inside the front gates. No doubt the licence will also be okayed for live music despite all our protests. I can't help wondering if this would be acceptable to committee members if these new requests were applied to a small building directly behind their houses. It's also noted that since my first letter if complaint the wooden picnic tables have been temporarily removed until maybe the next week or so. It's also a shame that, in order to gain some favour, the club have offered their public house for use by mother's and toddlers group who were previously using the chapel and thus maybe encouraging the youngsters to attend Sunday school....maybe another ploy . Many of the people using the building are not from the village. Sundays have become a nightmare now with cars and noise, although I understand this is if no consequence. Extended hours however will cause noise and drunken occurrences in the dark lanes but I fear the tenants whose houses back on to this area will be totally ignored . As I said previously, words are blank pages and I think that judging by what's been said to some of the locals agreements have already been made.

From: *

Sent: 14 May 2021 11:56

To: Morgan, Lee

Subject: Re: Letter concerning Wattsville Sports Pavilion

Thank you for your reply. There is also the safety aspect to consider re extended opening hours. The two back lanes by the pavilion are not lit. I live alone and many people walk their dogs along the lanes during the evening, including myself. Normally folk carry torches due to puddles, potholes and the lack of light. Drink driving is not encouraged so there would be drunken behaviour along these lanes as was the case when the Jubilee club existed. I would not feel safe going through my own back gate during the evening if this extended opening was allowed. *

On Fri, 14 May 2021, 09:06 Morgan, Lee, <MORGAL16@caerphilly.gov.uk> wrote:

Good Morning *

Thank you for providing confirmation below.

Unfortunately the issue of parking will not be a consideration for the Sub Licensing Committee under the Licensing Act 2003.

We are aware of the tables and chairs in situ and have previously provided advice to the Club that their use would not be authorised under their existing licence. If using this area, the club can only currently do so when temporary event notices (TEN'S) are in place.

I will come back to you after the closure of the 28 Day Consultation period in relation to the Variation to make you aware of the Sub Committee meeting date.

Kind Regards

Lee Morgan

From: Redacted

Sent: 13 May 2021 16:58

To: Morgan, Lee <MORGAL16@CAERPHILLY.GOV.UK>

Subject: Re: Letter concerning Wattsville Sports Pavilion

Just as a p.s. this will not be people from the village as we already have a struggling club at the top of the road. This will merely bring in people from outside the area as the football team are not locals.

On Thu, 13 May 2021, 16:55 * wrote:

That is certainly the case. This whole application concerns many of the nearby residents. We had problems years ago when the Jubilee club existed and had hoped on its closure this would now cease up the back lane. Loud music and drunk people do not make for a quiet life, neither does extended opening hours. The club have already caused problems and annoyance with parking but it is understood your committee do not consider this to be a problem. The club has also set up sixteen tables and benches outside ahead of your consideration for serving outdoors, so I imagine that this has already been given the green light ahead of your meeting. These new requests by the club do not directly affect those residents whose properties do not back on to the lane but they certainly will affect badly those properties which back on to the pavilion and as there is already noise from passing traffic to the front the peace and quiet of our back gardens is now under threat. I don't suppose my complaints will bear weight but it has to be recorded. *

On Thu, 13 May 2021, 16:15 Morgan, Lee, <MORGAL16@caerphilly.gov.uk> wrote:

Good Afternoon *

I hope you do not mind me contacting you. I am in receipt of a letter (received 5th May) which I believe may have been submitted by you in relation to Wattsville Sports Pavilion, as a result of previous correspondence.

Could I ask you to confirm that you are the author of the letter and if so, whether you wish for these comments to be accepted as a formal objection to the Variation application made by the premises. If this is the case they will be forwarded to the applicant and responsible authorities for their comments. If your concerns are not

mediated or withdrawn, a Sub Committee meeting to determine the application will be convened at which time you will have the ability to address the Members of the Committee about your concerns.

I look forward to hearing from you in relation to the above in due course.

Kind Regards

Lee Morgan
Rheolwr Trwyddedu / Licensing Manager

Trwyddedu / Licensing
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750

✉ morgal16@caerphilly.gov.uk

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Kind Regards

Lee Morgan

Rheolwr Trwyddedu / Licensing Manager
Trwyddedu / Licensing
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750

✉ morgal16@caerphilly.gov.uk

From: Redacted
Sent: 24 May 2021 15:29
To: Hopkins, Kathryn
Subject: RE: FW: Sports Ground Pavilion, Wattsville

I think introducing drink into children's practice covers several of those. Feel free to forward those as an official objection, however with the harassment that residents have had from club members and committee, I will not attend a public meeting.

I think its common sense that a children's training session does not require alcohol to be served. It encourages drink driving....and the amount of patents driving to the venue can easily be assessed by the authority.

From: DONOTREPLY@caerphilly.gov.uk
Sent: 23 May 2021 11:43
To: WWW: Licensing
Subject: Website Contact --- Licensing and permits

Name -	
Redacted	
Email Address -	
Redacted	
Phone Number -	
Redacted	
Date Submitted -	
23/05/2021 11:41:43	
Message -	
I would like to register an objection to the alcohol licence and extension of said licence. For wattsville sports pavilion np11 7qh, they are applying for extended hours and for junior football. Most kids I know don't drink, and ALL the parents drive to the venue.....its easy to check, on any given Sunday....the car park and villiage is full of parked parents. The residents do not want drink driving parents...and the club already flouts outside drinking rules.	

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** Islwyn Road
Wattsville
Crosskeys
Caerphilly
NP11 7QH

23rd May 2021

Licensing Section
Tŷ Penallta,
Parc Tredomen,
Ystrad Mynach,
Hengoed.
CF82 7PG

Dear Sirs,

The Wattsville Pavilion Sports Ground, also known as the Wattsville Club House, has now requested to extend their alcohol license application from 19:00-23:00 Monday - Friday (inside), to 12:00-23:00 (inside and outside), and outside at the rear of the property. There is also an application to vary the recorded music and an application for live music, for the same hours advertised as the alcohol license. Saying that, it is not clear from this variation of the license whether music recorded or live can be played to the rear of the property.

This variation of the application has been made only 6 months after the original license application. It was suggested that the original hours were reduced at that point but was rejected due to the additional cost to have them lengthened at a later date. At the council meeting on 26th October, Mr Wayne Brinkley stated that they had applied for the original dates and times specified in order to only have to do it once due to costs. Yet, just six months later, they are applying to increase the hours after only being open a handful of days.

The Wattsville Club house is close to residential properties at lower Islwyn Road. Many of the residents, ourselves included, have lived in this quiet area for 20-30 years, when the building was used as a Community Centre. It is notable that the majority of people, if not all who are supporting this venture, either do not live in Wattsville or do not live close enough to be affected by noise and parking issues. Despite this, the people who are directly affected by it are seen as negative or miserable.

We did not buy and invest in our homes to be next to a clubhouse playing music practically all day every day. There will be no respite from the noise and the shouting to be heard over the music. After working all day, the quiet time we have to recharge our batteries and maintain our mental health will be destroyed by music from the clubhouse. We know that noise travels, and will travel to our properties, particularly bass music. The first Saturday they were open and were allowed to drink outside, the beat of the music from their sound system was easy to hear, and when a popular song came on the singing from the group was even louder – assumedly from the football team. It will get even louder with live music, which leads to the question of why the residents should be subjected to this anti-social behaviour. We have already witnessed this from all the football matches and training sessions held over the past few months. When adults are involved, it often includes foul language too.

We personally feel that allowing the sale of alcohol every day for such long periods, along with extensions on bank holidays, will lead to more noise and anti-social behaviour in the vicinity of our residences. The noise of people leaving after having the opportunity to drink

for many hours will increase at a time when most respectable local residents want to enjoy the peace of their garden, and at the end of the night are in bed and trying to sleep. In addition, residents may have to sleep with their windows tight shut when groups of "customers" slam car doors, wander home talking loudly to each other, talking on their mobile phones, or screaming at each other in the lane. Along with this there will noise from car engines and taxis.

As you will know, parking is at a premium in this locality, and there have already been scratches and damage to a neighbour's car from visitors parking. This will only get worse during evening events with music, especially with alcohol being served for 11 hours every day and 10 hours each Sunday. Alcohol often leads to aggressive behaviour too. Some residents have young families, some are elderly, and some (like us) just want peace and quiet when they come home from work or have time off.

On the 28th April, the retired village postmistress who lives near the clubhouse, asked on the Wattsville Community Group Facebook page about the change in licence, as nothing had been shared there. Wayne is the one of the Administrators of this page along with Steve Prosser. There were a lot of aggressive comments back to this lady for just asking the question regarding why this news had not been shared. One of the local trustees was involved in this. Due to this response, many residents are scared to make representations, but have posted notes in doors and on local lampposts. Out of 33 comments made in response, there are only 6 left to be viewed. It appears only positive statements for the clubhouse can be posted or can remain online. It was only after this request that the announcement was shared across the village. It was strange that the club did not want to post the news of their extended licence application, like they do when they want to share the club's cocktail menu and bar opening hours.

In conclusion, as in our previous appeal, we ask that those in charge of the clubhouse manage expectations based on the hours they have before extending them. These changes are not reasonable to local residents in our opinion. They have not been open long enough to gauge if they need more hours. The close proximity of this venue to us as local residents will have a major and long-term effect on our future wellbeing.

Yours Faithfully,

Mr and Mrs S Latham

The times the licence authorises the carrying out of licensable activities.

Alcohol

Monday - Saturday, inclusive, 1200 to 2300

Sunday, 1200 to 2200

Bank Holidays and Saturdays & Sundays preceding bank holidays, 1200 to 0000

New Year's Eve, 1200 to 0200

Recorded Music (Indoor only)

Monday to Saturday, inclusive, 1200 to 2300

Sunday, 1200 to 2200.

Bank Holidays and Saturdays & Sundays preceding bank holidays, 1200 to 2300

New Year's Eve, 1200 to 0000

Live Music

Monday - Sunday, inclusive, 1200 to 2300

Bank Holidays and Saturdays & Sundays preceding bank holidays, 1200 to 2300

New Year's Eve, 1200 to 0000

Conditions

1. CCTV shall be in use at the premises.

Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the grant of the licence.

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;

2. 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;

3. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during licensable hours.

4. CCTV to include all external and internal licensable areas

4. An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation.

5. The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.

6. Children must be accompanied by a responsible adult.

7. All children shall vacate the premises by 22:00 hours & notices to be displayed to this effect.

8. Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity. Notices will be displayed to this effect.

9. No bottles, cans or glasses are to be taken outside & notices to be displayed to this effect.

10. No waste or bottles should be moved to external areas between 23:00 and 08:00.

11. All staff/members who serve alcohol 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.

12. All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

13. The premises licence holder shall ensure that an 'incident / refusals' logbook in a bound book is kept, 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. If no name is given, then a good description will be recorded. 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.

14. The premises licence holder shall ensure that measures are in place to ensure the removal of litter or waste from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.

15. The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste.

16. The use of the outdoor area be restricted to 22.00. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

17. The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

18. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.

19. The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in the premises, especially for outdoor events/use.

20. A 'Challenge 25' policy will be in place for checking persons suspected of being underage. No alcohol shall be supplied to a person who appears to be under the age of 25 unless they provide identification that proves that they are 18 years of age or older when the alcohol is supplied. The only acceptable forms of identification for proof of age shall be a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card. The proof of age scheme will be robustly enforced by the DPS and all staff. Posters stating that the age verification scheme is in operation shall be clearly displayed in the area of the bar.

21. Disorderly customers will be asked to leave the premises.

22. 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.

23. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

24. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated on an annual basis, or 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.

25. All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

26. All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal.

27. 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.

28. The use of all outdoor areas of the premises is not permitted after 22:00. Other than access solely for the use of a smoking area.

29. The smoking area shall not exceed the capacity of 5 persons at any one-time post 22:00 and a notice displayed to this effect.

30. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.

31. The manager, licence holder or other competent person shall carry out observations at the boundary perimeter during the periods of amplified/ un-amplified recorded entertainment at regular intervals whilst the Premises Licence is being exercised, in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.

- a. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.