



## LICENSING AND GAMBLING SUB COMMITTEE

### MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY 22ND JUNE 2021 AT 10.00 A.M.

#### PRESENT

Councillor W. Williams – Vice-Chair (Presiding)

#### Councillors:

P.J. Bevan, D. Cushing

#### Together with:

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

#### **Representing the Applicant**

Mr D. Willing (Pontymister Welfare Bowls Club)

#### **Representing Responsible Authorities**

PC D. Allen (Gwent Police), A. Brown (Environmental Health – Pollution Control), A. Dicks Licensing Authority as a Responsible Authority

#### **Representing Other Persons (Local Residents)**

Mrs Coughlin, Mr and Mrs Lane, Mr Leonard, Mrs Waite (part of meeting)

## INTRODUCTION AND RECORDING ARRANGEMENTS

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

### 1 APOLOGIES FOR ABSENCE

An apology for absence was received from D. Lewis (Children's Services).

### 2 DECLARATIONS OF INTEREST

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

**3 DETERMINATION OF CLUB PREMISES CERTIFICATE VARIATION APPLICATION -  
PONTYMISTER WELFARE BOWLS CLUB, TY ISAF PAVILION, PONTYMISTER, RISCA.**

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

Mr Lee Morgan (Licensing Manager) presented his report and outlined the application for the variation of the Club Premises Certificate at Pontymister Welfare Bowls Club, Ty Isaf Pavilion, Pontymister, Risca.

Members were advised that the variation application sought to remove the current embedded conditions, add the outside bowling green adjacent to the pavilion for the consumption of alcohol as part of the licensing area, extend the provision of alcohol hours to 23:30 Monday-Sunday and to 02:00 on New Year's Eve, add the provision of live and recorded music (Monday-Sunday 19:00 – 23:00 and 00:30 on New Year's Eve), and to vary the opening hours of the premises. It was noted that the existing club premises certificate only covers the pavilion building itself and not the bowling green, and so the variation if granted would cover the bowling green area for the supply of alcohol.

During the 28-day consultation period, representations were received from Gwent Police, the Licensing Authority in their role as Responsible Authority, Environmental Health (Pollution Team), and the Child Protection Officer, who all advocated conditions in relation to the application as summarised in Section 1.6 of the report. Representations were also received from four local residents in objection to the application with full details appended to the Officer's report. The applicant had responded to the comments of the Responsible Authorities agreeing to their proposals in relation to use of the outside area and limiting of entertainment until 23:00. The applicant had also responded to resident concerns in a letter as set out at Appendix 14 of the report.

It was noted that following the publication of the agenda papers, supplementary information comprising of two photographs had been submitted by a local resident (Mr Leonard) to support his objections and these had been circulated to the Sub Committee in advance of the hearing.

Attention was drawn to the local policy considerations as set out in the report and to the way in which the Sub-Committee would deal with the application, together with Section 1.9 of the report which provided clarification on the way the application had been advertised, following comments received from residents. The Licensing Department was satisfied that the applicant had met their legal obligations in respect of advertising of the variation application.

The Sub Committee were referred to the recommendation set out in the Licensing Manager's report, which considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in Appendix 15 and as a result the variation application should be approved.

All parties present were afforded the opportunity to ask questions of the Licensing Manager. In response to a Member's query on the changes applied for, Mr Morgan confirmed that the existing club footprint is limited to the pavilion building and the applicant sought to extend alcohol supply to the confines of the bowling green. The variation also sought to increase the sale of alcohol to 23:30 (currently 23:00) and to 02:00 on New Year's Eve. Members were asked to note that the playing of live and recorded music at licensed premises is deregulated between 08:00 to 23:00 under the Licensing Act 2003 in any case, and that although the applicant had originally requested an extension to 00:30, they were content with the provision for music under deregulation and no longer wished to apply for the additional 90 minutes. However they still wished to apply for the playing of live and recorded music to 00:30 on New Year's Day.

Mrs Coughlin (Local Resident) referred to the extract of National Guidance issued under Section 182 of the Licensing Act 2003, and in highlighting Section 1.5 which encouraged greater community involvement in licensing decisions, queried how this had been taken into account, and also expressed concerns around the limited methods of advertisement for the premises application. Although a notice of application had been displayed on the gates of the premises, Mrs Coughlin explained that she does not receive the local newspaper and is not able to frequently check the Council's website for such notices.

Mr Morgan explained that the community have the opportunity to participate in and influence licensing decisions by having an input at Sub Committee hearings and informing Members of their concerns. Additionally, the legislation sets out how a premises application must be advertised and Mr Morgan was satisfied that the minimum advertising requirements under the Licensing Act 2003 had been complied with.

Queries were received on whether the Licensing Department or the Council could lawfully hold the applicant to a higher advertising requirement. Mr Morgan confirmed that Licensing cannot compel an applicant to go over and above the minimum level, although it would be ideal for the applicant to take additional measures of their own accord. Furthermore, it would be a matter for the full Licensing Committee to mandate additional advertising requirements should they be minded to do so.

Mr Morgan emphasised that all licensing applications are communicated to the local ward members on a weekly basis, providing the opportunity for these to be relayed to the community. In response to a Member's query on advertising requirements, Mr Morgan confirmed that legislation requires a notice to be placed on the premises, in the local newspaper and for the local authority to advertise on its website for 28 days, and he was satisfied these requirements had been met for this application.

Mr Todd Rawson (Legal Advisor to the Sub Committee) sought clarification on the practical difference in incorporating the bowling green into the licence, as consumption of alcohol is not a licensable activity. Mr Morgan confirmed that consumption of alcohol within the bowling green would be a breach under the current conditions of licence, and hence the applicant was seeking to widen the consumption area.

Representations were then invited from the applicant, Pontymister Bowls Club.

Mr David Willing (applicant) addressed the Sub Committee and responded to comments around the advertisement of the application. He explained that the notices were displayed within a day of making the application, were blue and in a very large font, and were only taken down the previous week after the consultation deadline had passed. They were very visible on the gate for passers-by, and the club were confident the advertising requirements had been complied with.

Mr Willing then outlined the reasons for the application, explaining that patrons are currently unable to drink on the bowling green itself, and that as the club had been unaware of the conditions of licence, they were merely trying to rectify the unintentional breach that had been occurring for a number of years. The matter only came to light when Welsh Government allowed outdoor consumption of alcohol as part of temporary Covid-19 provisions, and so the club had been advised that they should apply for an outdoor licence to rectify the situation moving forward. He also explained that although the club had applied for the variation on a 7 days per week basis, they only wished this for infrequent functions, such as club presentations, which would only occur around 2-3 times a year. He added that the last time the club hosted live music was in January 2020 to celebrate an 80<sup>th</sup> birthday party.

Mr Willing referred to residents' fears that the nature of the premises would significantly

change if the variation was granted and gave reassurances that this would not be the case. He confirmed that the club had agreed to the proposed condition from Responsible Authorities to cease outdoor drinking at 22:00 and reiterated that even though live music was a deregulated activity to 23:00, this would only happen on around 2-3 occasions a year. He explained that club members would only take alcohol out to the side of the building during matches, which finish around 17:30 on Saturdays and around 20:30-20:45 in the week, before members return to the building for food. Mr Willing also outlined the layout of the pavilion and explained that the pavilion windows are boarded up and do not face nearby houses. He also confirmed that the pavilion roof has been reinsulated which will act as a sound barrier.

In closing, Mr Willing reiterated that the club was not intended to alter anything that was not already happening at the premises and emphasised that the bowls club was a respectable establishment with a pre-dominantly over-70 membership and declining numbers.

All parties present were afforded the opportunity to ask questions. Mr Leonard (local resident) raised concerns around the unintentional breach of licence by the club and the potential for loud music at the premises. Mr Willing reiterated that the variation had been applied for in order to rectify the existing situation and for the club to be run in accordance with the conditions of licence.

A Member asked if any resident complaints had been received as a result of the outdoor activity and also asked if the current limitations included the consumption of soft drinks. Mr Morgan confirmed that the consumption of soft drinks is not a licensable activity and that he was not aware of any complaints made to the Local Authority regarding the premises. He also added that any allegations in respect of licensing compliance would be addressed appropriately.

In response to queries from the Legal Advisor, Mr Willing gave an overview of club membership (34 active bowlers), the months of usage (mid-April to mid-September), and the number of players at each game (32 bowlers in total).

Mrs Coughlin made further reference to the variation advertisement and to parking issues in the area which she attributed to the club. She asked why the club were seeking a variation to 23:30 for outside areas and not 23:00 as per the existing licence. Mr Willing confirmed that the additional 30 minutes were mainly to accommodate private party bookings for members. He also expanded on the parking arrangements for members and visiting teams, explaining that they are encouraged to park to the rear of the club where possible and not on Springfield Road. It was noted that parking is not a licensing matter.

Mr Morgan drew Members' attention to an error in Section 1.3.4 of the report and explained that if granted, the supply of alcohol on a Sunday would cease at 23:00 and not 23:30. A Member asked if the provisions regarding outdoor activity would revert to the original licence if not granted and it was confirmed that this would be the case unless a Temporary Events Notice was applied for. In response to a further query, Mr Morgan also clarified the current relaxations in place regarding outdoor hospitality as a result of Covid-19 regulations, which are expected to cease in September.

Representations were then invited from Responsible Authorities.

PC Dan Allen referred to the representation from Gwent Police made by his colleague (PC Karina Williams). He confirmed that Gwent Police had no objections to the premises variation and were satisfied with the conditions that had been agreed by the applicant.

All parties present were afforded the opportunity to ask questions. In response to Members' queries, PC Allen confirmed that Gwent Police had advocated that the use of the outside area cease at 22:00, , and also that there had been no incidents where Gwent Police had been

called to attend the club. Mrs Coughlin referred to Section 8.42 of National Guidance under Section 182 of the Licensing Act where applicants should take into account factors such as proximity to areas where children may congregate. PC Allen confirmed that Gwent Police take into account the makeup of an area and this would have been taken into consideration when examining the application.

Representations were then invited from the Licensing Authority as a Responsible Authority. Mrs Annette Dicks (Assistant Licensing Manager) referred to her representation and confirmed that she had taken into account the nature of the application and the existing club certificate held by the premises. The Licensing Authority had visited the premises together with Environmental Health and noted the close proximity of the small pavilion backing onto the residential area. Therefore the Licensing Authority had recommended a number of conditions, including outside activity ceasing at 22:00 and that recorded and live music be restricted to 00:30 on New Year's Eve.

All parties present were afforded the opportunity to ask questions, and in response to queries, Mrs Dicks confirmed that no complaints in relation to the premises had been received by the Licensing Authority and that the maximum numbers allowed in the pavilion would depend on the club's fire risk assessment. It was also clarified that the premises is currently able to host live music outside to 23:00 under deregulation and would be able to continue with this even if the variation was refused.

Representations were then invited from Environmental Health Pollution Control. Miss Abbie Brown (Environmental Health Officer) referred to her representation and was of the view that recommended conditions as agreed with the applicant will ensure that there is no adverse impact to residents, should the variation be granted.

All parties present were afforded the opportunity to ask questions and in response to queries, Mrs Brown confirmed that Environmental Health had received no complaints regarding the premises and also that there no restriction on music decibel levels. However, if a service request were to be received, Environmental Health would undertake investigatory proceedings, including an assessment of the sound volume at the complaint's property. However the determination of whether a decibel level is appropriate would be on a case by case basis and would depend on the type of event being assessed.

Representations were then invited from Local Residents (Other Persons).

Mrs Coughlin explained that her representation had focused primarily on the process behind the application which had now been clarified throughout the course of the hearing. She stated that she did not object to outdoor alcohol consumption to 22:00 but she had noticed that windows inside the club would need to be open after that time in order to take account of Covid-19 regulations around ventilation. Mrs Coughlin confirmed that she had never had any complaint about the bowling green activity and rather enjoyed some of the events. However she had concerns if licensable activity outside were to be extended to 23:30 as it would take it to midnight by the time everyone dispersed. She referred to her concerns around parking and also stated that Section 11.4 of the Council's Licensing Policy prescribes a need for consideration to be given to the impact of licensable activity on a wider area.

Mrs Lane (Local Resident) was then invited to make her representation. She explained that her adult son suffers from mental health conditions requiring stability and was concerned that the variation if granted would have an adverse impact on her son's wellbeing.

All parties present were afforded the opportunity to ask questions of the two residents and the Legal Advisor asked Mrs Coughlin how she had become aware of the variation application. Mrs Coughlin explained that her neighbour had informed her. Mr Leonard added that details of the variation had also been posted on a local Facebook page.

The Legal Advisor asked Mrs Lane a number of questions regarding her son's condition and associated routine to determine the impact of the premises on his wellbeing. Mrs Lane explained that unexplained disturbances can cause severe distress to her son which require subsequent reassurance and that on a number of occasions he had been significantly disturbed by noise from both within and outside the premises.

Mr Leonard (Local Resident) was then invited to make his representation. He explained that he had no objection to alcohol in or around the premises, but his objection was to live entertainment and the impact it could have on his autistic daughter. Mr Leonard explained that he had moved to the area to provide a peaceful environment for his daughter and that she takes refuge outside when she becomes overwhelmed, where she has specially adapted play equipment to assist in calming her. Mr Leonard explained that any external noise has a significant impact on his daughter's wellbeing and was concerned that all the progress he had made in handling her condition would be in vain if the variation were to be granted. He expressed the seriousness of his daughter's condition and felt that this needed to be taken into consideration when determining the application.

All parties present were afforded the opportunity to ask questions and a Member asked if live music could be permitted even if the variation was not granted. Mr Morgan confirmed that under deregulation measures, licensed premises are permitted live and recorded entertainment between 08:00 to 23:00. However, he reminded residents of the protection afforded to them under Environmental Health regulations in this regard and emphasised that if the premises is causing noise nuisance, then this needs to be communicated back to the relevant authorities by the residents, although no complaints have been received by Licensing to date.

Members and the Legal Advisor asked Mr Leonard several questions to determine the impact of the premises on his daughter's behaviour and wellbeing. Mr Leonard confirmed that any instances of noise can cause his daughter to have an adverse reaction, including other sources that are external to the activity around the clubhouse and pavilion. Mr Leonard also outlined the challenging behaviours and outbursts arising from his daughter's condition and explained that in more recent years, he and his wife had been able to stave off episodes before they escalate and that his daughter's "safe space" tends to be in the garden. Mr Rawson also asked if the noise from bowls matches tends to affect the child's behaviour. Mr Leonard confirmed that the players are very quiet and his daughter does not tend to complain when they are playing.

Mrs Waite (Local Resident) was then invited to make her representation and it was confirmed that she had left the meeting owing to another appointment but had asked Mrs Coughlin to speak on her behalf. Mrs Coughlin explained that Mrs Waite had concerns over why she was not made aware of the variation in writing. It was also explained that Mrs Waite had a young grandchild with a disturbed sleep pattern which would be impacted upon by the variation. In her representation, Mrs Waite raised concerns about anti-social behaviour in the area and also highlighted parking issues in the area.

All parties present were afforded the opportunity to ask questions and discussion took place regarding the parking concerns raised by a number of residents. Although it was acknowledged that this was not a licensing matter, Members and Officers discussed the avenues available to residents to alleviate the problem. Discussion also took place between Mr Willing and Mrs Coughlin regarding a car barrier at lower Springfield Road which is operated by the club.

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

Mr Lee Morgan (Licensing Manager) asked Members to determine the application in accordance with the local policy considerations at Section 1.8 of his report and in referring to the report recommendation, reminded Members that they could consider other options if they so wished in view of the information provided at the hearing.

PC Dan Allen (Gwent Police) confirmed he had no objections and was satisfied with the conditions agreed.

Mrs Annette Dicks (Licensing Authority) confirmed she had nothing further to add and drew referred to the representations in her report.

Miss Abbie Brown (Environmental Health) confirmed that her representations remained the same providing the conditions applied in the report are adhered to going forward. She emphasised that should there be any further concerns and service requests received, there are provisions for Environmental Health to investigate and act and call for a premises review if needed.

Mrs Coughlin confirmed that she was objecting to the extension to 23:30 but had no objections to the other aspects of the variation, subject to due diligence being applied as set out in the conditions.

Mrs Lane asked the Sub Committee to take mental health into account when reaching their decision.

Mr Leonard feared that his daughter's wellbeing was not being taken into account and could be jeopardised and was unhappy that there were no specialists or child protection officers present at the meeting to present their views.

Mr Willing emphasised that nothing would change in the running of the club if the variation were to be granted. He reiterated that functions would only be held 2-3 times a year and under the existing licence, were permitted to play music to 23:00 regardless. He acknowledged the concerns of Mr Leonard regarding his daughter's wellbeing but felt too much emphasis was being placed on potential noise nuisance given that the club does not even open every day of the week. He emphasised the infrequent nature of club functions and that drinking rarely happens outdoors and stressed that the club does not intend to change its operating style going forward.

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

The Sub Committee retired at 12.20 p.m. to make its decision and all other parties left the meeting.

Following consideration of the application for the variation of a club premises certificate for Pontymister Welfare Bowls Club, Ty Isaf Pavilion, Pontymister, Risca, and having regard to the Licensing Manager's report and all the representations made, the Licensing and Gambling Sub Committee unanimously

RESOLVED that the application for the variation of a club premises certificate as set out in Section 1.3 of the Licensing Manager's report be GRANTED, save for the supply of alcohol being limited from 11.00am to 11.00pm (rather than from 11.00am to 11.30pm) and subject to the conditions set out in Appendix 15 of the report. For ease of reference, these are attached to the minutes.

In making their decision, the Sub Committee considered all four Licensing Objectives, the Licensing Act 2003, revised Home Office Guidance and Caerphilly Council's Licensing Policy.

The Sub Committee gave significant weight to the long history of the club premises being run without any known complaint in regard to the conduct of its licensable activities. It concluded that this was to a degree probative of the likely manner in which the varied Club Premises will be conducted. It held into account that the club had a relatively small number of members and expected guests, and is operated on a part time basis, limited namely to match days, special occasion functions and small social groups during the off season. The Sub Committee took into account that some of the residents indicated during the hearing that they no longer objected to the club premises licence being extended to include the bowling green.

The Sub Committee took into account the residents' concerns regarding the potential for public nuisance (via noise). It took into account that by extending the club license to include the bowling green then it would by default allow the deregulated activity of putting on live music from 8am until 11pm within such area. It gave consideration to the applicant's evidence that this was not their intention, and live music events have only been conducted in conjunction with special functions, such as significant birthdays etc, and have been held solely in the pavilion itself. It took into account the historically limited number of such events each year, the applicant's evidence that nothing in this regard would alter, and the lack of any known complaint in relation to the noise of such events in the past.

The Sub Committee gave careful consideration to its Public Sector Equality Duty and the disabilities of some of the neighbouring residents. In balancing its considerations between such duty and the objectives of the Licensing Act 2003, the Sub Committee formed the view that varying the supply of alcohol until 11.30pm would not be appropriate in the circumstances. The Sub Committee felt that such decision would uphold the four licensing objectives and also provide a more appropriate cessation time taking into account the needs of the disabled residents. In reaching this position the Sub Committee took into account that each disabled resident was affected by noise in general and there was only a limited link to the noise emanating from the licensable activities within the Club Premises.

The Sub Committee did not give significant weight to the wider community issues of vehicle parking (which would appear to be primarily based on the activity of attending a bowling match rather than a licensable activity) and the alleged insufficiency of the applicant providing Notice of the variation application. It was satisfied on the Licensing Manager's evidence that the statutory notice requirements had been correctly complied with and any wider complaint as to the sufficiency of the same was beyond the remit of the Sub Committee and would rest with parliament.

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

The meeting closed at 1.20 p.m.

**Conditions applicable to the grant of the licence as per Appendix 15 of the Licensing Manager's report and incorporating the amendment in respect of the permitted hours for the supply of alcohol:-**

**Supply of alcohol (on and off the premises)**

Monday to Sunday 11.00am – 11.00pm.

New Year's Eve 11.00am – 02.00am

**Live & Recorded Music**

Monday to Sunday 7.00pm – 11.00pm (N.B. this is not a licensable activity whilst the premises are open for the sale of alcohol between 8am and 11pm)

New Year's Eve 11.00pm – 0.30am

1. The use of the outdoor area for the consumption of alcohol shall not take place after 2200hrs and the outdoor area shall be used solely as a smoking area after this time. The smoking area shall not be used by more than 5 persons at any one time post 22:00hrs.
2. Adequate notices shall be displayed in appropriate locations to ensure that the requirements of condition 1 above are brought to the attention of patrons.
3. Staff, committee members or other competent persons shall manage ensure that the outdoor area is managed so that customers do not behave in a noisy, rowdy or offensive manner, and shall further ensure that measures are put in place to monitor the external areas for such behaviour on a regular basis.
4. 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 patrons leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.
6. A risk assessment shall be carried out of the need for polycarbonate or toughened glasses to be used on 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 before 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 Club and all staff concerned in the sale of alcohol. Posters stating that the age verification scheme is in operation shall be clearly displayed in at least A5 size at the entrance and where practicable at each point of sale.
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.

9. Any person working in the premises and concerned with the sale of alcohol is to be trained with respect to underage sales and in how to refuse sales to difficult customers. All such training to be updated on an annual basis. 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.

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

11. The volume of licensable amplified/unamplified live and recorded regulated entertainment must be at a level so as not to cause a nuisance at the nearest residential property.

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

13. The manager, licence holder or other competent person shall carry out observations at the boundary perimeter of the licensed area during the periods of licensable amplified/ un-amplified recorded entertainment at intervals during the carrying on of such licensable entertainment, 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 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.

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

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

16. Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.