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Date: 22nd April 2022

Dear Sir/Madam,

A digital meeting of the **Licensing and Gambling Sub Committee** will be held via Microsoft Teams on **Thursday, 28th April, 2022 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

- 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 gwyrdach



Pages

- 3 Determination of Premises Licence Application - Tog Farm Limited, Land at Tog Farm, Rudry, CF83 3DG.

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Circulation:

Councillors W. Williams (Vice Chair Presiding), M.A. Adams and D. Cushing

And Appropriate Officers

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LICENSING AND GAMBLING SUB COMMITTEE – 28TH APRIL 2022

SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION

REPORT BY: LEE MORGAN LICENSING MANAGER

1. Application Details – Premises Licence Licensing Act 2003

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Tog Farm Limited Company no 12512477	Land at Tog Farm, Rudry, CF83 3DG	New Premises licence

1.1 Application for Grant of a New Premises Licence

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

Members will note that the Licensing Act 2003 permits an application for a premises licence for 'any place,' not just a building and as a result 'open space' can be a place at which applicants can apply to obtain a premises licence.

1.2 Site Plan/Photographs

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

A location plan of the boundary of Tog Farm is reproduced as **Appendix 2**.

Photographs of the location are reproduced as **Appendix 2a**

1.3 Proposed Trading Times and Licensable Activity

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

- **Supply of Alcohol (on sales only)** Monday to Sunday, 15:00 to 23:00.
- **Regulated Entertainment – (Provision of Films)** Monday to Sunday, 18.00 to 23.00 (Films on projector screen inside tent, and outside in designated area.)

A general description of the proposed premises has been provided as '*Glamping site, guests pre book their stay. Alcohol will be offered with meals, and while staying with us on site, only at the designated sites.*'

- 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:-

By holding a premises license we will be able to monitor and control the intake of alcohol by our guests. We will reserve the right to refuse alcohol if someone is intoxicated, ensuring all guests and staff are safe.

We currently operate a 'bring your own' policy with alcohol, which will stop immediately if granted a license.

All guests will be pre booked with no more than 10 guests at any one time.

At least 2 members of staff will be available when there are groups of 6-10 and at least 1 member of staff for bookings of 1-5.

The site is covered by CCTV which is continuously monitored.

Guests sign a disclaimer prior to booking where they consent to managing their own and any others personal safety, within the disclaimer it is outlined that we have a zero tolerance approach to any violence, or disorderly behavior, and that we reserve the right to escort any guest off the premises at any point if displaying the above

The general public will not be in contact with any of our guests, as our site is on private land.

To ensure the safety of all of our staff along with other members of larger groups, there will be 2 members of staff at any one time. There will be no lone working.

By having a license we will reserve the right to refuse sale of alcohol to anyone we believe is intoxicated, we also reserve the right to remove any guest who may become a public nuisance from the premises.

There will be no children on site when larger groups are attending.

Note: By virtue of the Operating Schedule submitted, the Applicant has effectively limited the total number of persons on site for the purposes of the supply of alcohol / provision of film to a maximum of 10 persons.

1.4 RELEVANT CONSIDERATIONS

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

Extract of Statutory Home Office S182. National Guidance **Appendix 4**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

The following responsible authorities have indicated that they have no representations in respect of the proposed new premises licence:-
Fire & Rescue Service and Gwent Police.

Child Protection Officer

Document	Date Received	Appendix Reference
Initial Representation	23/3/2022	Appendix 5

Environmental Health - Health & Safety

Document	Date Received	Appendix Reference
Initial Representation	1/4/2022	Appendix 6
Supplementary Comments	20/4/2022	Appendix 6a

Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
Initial Representation	1/4/2022	Appendix 7

Environmental Health Pollution

Document	Date Received	Appendix Reference
Initial Representation	30/3/2022	Appendix 8

Trading Standards

Document	Date Received	Appendix Reference
Initial Representation	28/3/2022	Appendix 9

1.5.2 Other Persons:

Elected Members

Document	Date Received	Appendix Reference
Representation 1	30/3/2022	Appendix 10
Representation 2	31/3/2022	Appendix 11
Representation 3	28/3/2022	Appendix 12

Residents

Document	Date Received	Appendix Reference
Resident Mr R Jenkins	28/3/2022	Appendix 13
Resident Mr G Bodley	30/3/2022	Appendix 14
Resident C	30/3/2022	Appendix 15
Resident D	29/3/2022	Appendix 16
Resident E	31/3/2022	Appendix 17

Resident F	31/3/2022	Appendix 18
Resident Mr & Mrs Smith	30/3/2022	Appendix 19

Community Council

Document	Date Received	Appendix Reference
Draethen, Waterloo & Rudry Community Council	1/4/2022	Appendix 20

1.6 SUMMARY OF REPRESENTATIONS

Objections to the granting of a premises licence have been received from Environmental Health (Health & Safety) in relation to public safety concerns, in respect of access and egress from the site, following a site visit. The objection was supported by the Licensing Authority in its role as a responsible authority. However, both Responsible Authorities have advocated conditions, should a premises licence be approved. These included a requirement that the track between the licensable areas and the camping area being kept free of farm livestock at all times. A requirement that Guests are transported safely between the licensable areas in suitable enclosed vehicles. Guests must not be transported in a trailer behind an all-terrain vehicle (ATV). Guests should not sit astride an ATV. In addition, a requirement for guests to be transported in a suitable vehicle from the camping area in the event of an emergency overnight.

Furthermore, a requirement that Alcohol must be consumed in the 2nd licensable area (camping area) from poly carbonate glasses. This area should remain free from glass. Once alcohol is decanted guests must be encouraged to dispose of the bottles in the waste receptacles provided. The Environmental Health (Health & Safety) Officer also advocated that suitable hand washing facilities and signage must be provided adjacent to the 1st licensable area (horsebox, point of sale of alcohol).

Supplementary comments made by Environmental Health (Health & Safety) Officer on 20th April 2022 confirm that works required to address their concerns in respect of access and egress had not been completed and therefore their objection to the application remains.

The Licensing Authority in its role as responsible authority has commented on the reference to CCTV on the Operating schedule submitted by the applicant and has advocated that the following conditions in order to promote the licensing objectives, namely that the use of CCTV shall cover the licensable area where the supply of alcohol takes place, continually record when licensable activity takes place and shall be maintained in good working order. Furthermore, a requirement that the premises licence holder shall ensure images from the CCTV are retained for a period of 31 days and also 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.

In addition, it is advocated that the premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. 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. Records shall be kept for a period of 12 months

Finally due to the distance between both licensing areas, the licensing authority advocated in addition to the condition proposed by the Environmental Health Pollution Officer in relation to boundary checks, monitoring of the licensable areas will be undertaken at hourly intervals to ensure the promotion of the licensing objections and the avoidance of anti-social behaviour.

The Child Protection Officer has made no objection to the application but has advocated conditions linked to the protection of children from harm licensing objective, namely implementation of Challenge 25 and documented staff training in relation to underage sales. Furthermore, the Child Protection Officer has advocated further conditions in respect of the applicant controlling access to films of persons aged under 18, under 15 and under 12 in line with Classification requirements.

Trading Standards have made no objection to the application but have supported the comments of the Child Protection Officer in relation to proposed conditions referred to above.

The Environmental Health (Pollution Officer) makes no objection to the application but advocates a number of conditions including a requirement for the applicant to make regular patrols to check noise levels, a restriction on times when waste can be moved to external areas and requiring the premises licence holder to take reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.

No objections were received from Gwent Police or the Fire Service following site visits undertaken.

There were objections made by the 3 Elected Members for the area, who reference their concerns. Member 1, referenced residents contacting her in quite significant numbers with issues and concerns around matters concerning TOG farm. The Member made reference to being able to clearly hear the music from the farm while sitting in her garden. The Member also referred to the following concerns of residents namely the escalation of behaviour of certain visitors, health issues regarding the disposal of sewage, health and safety issues regarding children attending to visit the animals, an increase in the amount of traffic, an increase in the noise and an escalation in the unpleasant behaviour that residents have had to witness.

Member 2 referred to concerns about nuisance arising from loud music being played and refers to difficulties for emergency vehicles accessing the site. Concerns are expressed as to how patrons allegedly enter the site on board a flatbed vehicle and concerns about the noise generated from parking. Member 3 indicated that her concerns about public nuisance mirrored that of Member 2 detailed immediately above.

There were a number of resident representations objecting to the application during the 28 day consultation period. Two of the representations have come from the same household. All representations were forwarded to the applicant for her attention and comment.

Resident Mr Jenkins detailed that he wished to record an objection to the application and referenced concerns about the proximity of the site to where dome tents are currently to his property. Concern was expressed about unlicensed events held the previous year for stag, hen, music festivals and weddings/engagements. Reference was made about concerns with regards managing licensing hours, antisocial behaviour and access to event fields. Comment is expressed about the lack of change of use for the land and the applicant's ability to manage the sale of alcohol.

Resident Mr Bodley details his objection and refers to noise and disturbance in the absence of a licence. Reference is made to the potential for things to escalate were a licence to be

granted. Comment is made regarding an advertisement for home-made gin being offered on the website.

Resident C detailed concerns about their details being released to the applicant. Reference is made to the businesses total disregard to disorder following antisocial behaviour, loud music which has forced the resident to remain indoors. Reference is made to an Abatement Notice and the impact that the partygoers have upon the local area.

Resident D refers to a lack of respect for the law, neighbours and local residents from 2020 into 2021. Reference is made to entertainment events held at the site and the provision of alcohol in the absence of a licence. Comment is made in respect of an Abatement Notice served in response to complaints of residents. Reference is made to Pictures provided to highlight concerns regarding public safety and the presence of cattle on site and potential for harm given the availability of alcohol. Further comment is made and pictures provided showing proximity of children to Cattle, which the resident stated demonstrated a lack of responsibility. Concern is expressed about the applicant's ability to comply with any licence afforded.

Resident E referenced an objection submitted to the Council's Planning department by Members of Draethen, Waterloo and Rudry Community Council opposing the planning application of Tog Farm in November 2021. Comment is made in respect of alcohol which it was believed was sold at the site in the absence of a licence and links prospective alcohol consumption to increased risk taking and the undermining of the public safety licensing objective. Concern is expressed about the protection of children licensing objective and introduces pictures of children in what appears close proximity to loose cattle. Comment is made that alcohol would increase the risk by decreasing inhibition and increased risk taking.

Further comment is made in respect of the applicants operating schedule in relation to public safety and the focus on safety of staff on site as opposed to the safety of patrons. In addition, concern that the applicant has failed to address the public nuisance licensing objective referencing loud music that had been audible consistently over the summer months.

Resident F details that since organising parties on the land that there has been disruption during spring and summer months, the biggest concern being the number of amplified live bands and singers and general music that was played on weekends. Reference is made to screaming and shouting into the early hours. Comment is expressed that the resident distrusts the applicant to maintain alcohol provision for the 10 persons and fears the situation will be worse than last year. The resident submitted photographs taken from social media of demonstrating the nature / scale of the parties being undertaken previously. The resident asks to remain anonymous, requests that their comments are read. Comment is made concerning a neighbour and alleged intimidation by the applicants in the past.

Residents Mr & Mrs Smith detail their objection to the application and provide background to their concerns and the 'trial' run of activities of what is expected by residents going forward. Reference is made as to the lack of experience in relation to running a licensed premises and the vague nature of the fields referenced by the applicant within her application. Comment is made concerning the lack of proper walkways and adequate lighting for guests leaving the site late at night. Concern is expressed as to the adequacy of the operating schedule submitted by the applicant including training/proof of age/toughened glass usage. Comment is expressed as to the absence of planning permissions. Concern is expressed about the 10 guests detailed on the application, reference is made to the number being greatly exceeded the previous year and the events largely unsupervised. The resident details that public safety would be undermined and outlines concerns relating to Great Danes and other dogs kept at the farm, access and egress dangers.

In summing up the residents express concern that little thought or effort appears to have been given to the application and little regard to the negative impact on local residents or community, if a licence was granted.

Representations were made by Draethan, Waterloo and Rudry Community Council who referenced a full council meeting held where members of the Community Council resolved to lodge an objection based on the potential for increased noise and antisocial behaviour, increased risk taking behaviour by visitors and an increase in the risk of harm to children.

1.7 APPLICANT RESPONSE

The applicant has responded to the comments of the Child Protection Officer and has agreed the conditions proposed, should a licence be granted.

At the time of preparing this report, the applicant has not responded to the proposed conditions advocated by the Environmental Health Pollution Officer, nor Environmental Health (Health & Safety) and Licensing Authority, albeit it should be noted that both responsible authorities have lodged an objection to the grant of the licence.

The Applicant was forwarded the representations of all resident objectors, Elected Members and Community Council. The applicant's responses received to date are reproduced for information as **Appendix 21**.

In summary, comment is made by the applicant of plans to diversify away from traditional farming to offer glamping and activity for guests. Reference is made to the first year and lessons, mistakes and a better understanding of business including sustainability longevity and prosperity. Acknowledgement is made of music events, a wedding and parties of up to 30 people, the music noise from which unknowingly to the applicant had been heard by local residents which had placed a strain on relationships with the local community.

Whilst the applicant has referenced a maximum number of guests i.e 15, the applicant has been reminded that the Company's premises licence application stipulated a maximum of 10 guests.

The applicant responds to the concerns raised by Mr Jenkins and rejects the idea that she has operated unlawfully but only used 'permissions' under permitted development rights. Comment is made about bring your own alcohol provisions which the applicant has referred to as troublesome. Clarification is provided as to the extent of proposed alcohol provision going forward which relates to supply of alcohol with a meal or bottle of champagne for celebration. The applicant details that they will not be open for 'walk ins' as all guests are prebooked.

Further information is provided concerning proposals to provide the showing of films to couples and families via private cinema experience with a projector and screen.

The applicant refers to the first year being full of lessons and learning and details that they have gone above and beyond to work the council. The applicant responded to concerns about photographs submitted by residents in relation to livestock and states that there had been a change of set up and that livestock would not be allowed to enter fields occupied by guests.

The applicant references the fact that they are trying to move away from events of last year, but also comments that whether a licence is granted or not that they would be still able to hold events under permitted development rights.

The applicant responded to the representations of Mr & Mrs Smith addressing a number of specific points within the response. Comment is expressed by the applicant on the merits and substance of the comments made in resident objection.

Note: Following a discussion and agreement with Mr Smith with Licensing Officers, one brief comment has been redacted from their objection submission.

It is noted that the applicant has been in correspondence with the Environmental Health (Health & Safety) Officer to attempt to allay his concerns in relation to the objection lodged. The applicant has indicated that the required works have been completed and has provided photographs to demonstrate the same, which should address the concerns of the responsible authority. The applicant detailed that they did not believe a further site visit was required.

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 relates to the granting of a new premises licence for the sale of alcohol on the premises only and the provision (showing) of film. The Applicant through their Operating schedule detailed on the application has effectively restricted the extent of any licensable activity for the sale of alcohol and provision (showing) of film to a maximum of 10 persons at any one time. Whether that was intentional on the part of the applicant is unclear. Given these limitations, Gwent Police did not object to the application nor consider the imposition of conditions appropriate in respect of the prevention of crime and disorder licensing objectives.

Paragraph 14.1 of the Council's Statement of Licensing Policy details '*The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. In this way, those with a right to make representations or objections are able to fully assess the factors that may affect them.*'

The application has been subject to site visits by a number of the Responsible Authorities during the 28 day consultation period. The application has received representations from two Responsible Authorities namely Environmental Health (Health & Safety) and Licensing Authority, in its role as a responsible authority objecting to the grant of the licence.

The primary concern for Environmental Health (Health & Safety) Officers relates to concerns in respect of the promotion of the public safety licensing objective, this is primarily in view of the potential risks to health and safety of persons accessing and egress from the site. This is supported by the Licensing Authority in its role as a Responsible Authority. However, it is noted that both responsible authorities have advocated conditions be attached to the licence, should members determine to grant a licence.

Paragraph 12.1 of the Council's Statement of Licensing Policy details the following '*The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. Applicants are advised to seek advice from various organisations, such as the Caerphilly CBC health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.*'

Paragraph 2.7 of the Section 182 Home Office National Guidance provides advice to licence holders in relation to the promotion of the Public Safety licensing objective and states '*Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning....*'

Clarification sought from Environmental Health (Health & Safety) Officers would suggest that no pre-application advice was sought by the applicant prior submitting the application for a Premises Licence.

Members will note the applicants operating schedule in relation to the Public Safety licensing objective reflected the following '*The general public will not be in contact with any of our guests, as our site is on private land.*' To ensure the safety of all of our staff along with other

members of larger groups, there will be 2 members of staff at any one time. There will be no lone working.

The Council's Licensing Policy at paragraph 12.7 provides guidance in relation to public safety and details the following *'The Licensing Authority recognises that there are links between public safety and health, for example injuries suffered in licensed premises that need medical treatment. Falls are a contributor to alcohol related hospital attendances and admissions. Considering and noting issues relating to public safety in responses to a licensing application can be an effective way of addressing these issues through conditions being placed on a licence, or, in more extreme cases a licence not being granted. The Health Board, as a Responsible Authority, may be able to provide evidence of prevalence, costs and impacts of public safety issues as appropriate.'*

Members will note that following the initial site visit undertaken on the 24th March 2022 that the applicant has attempted to address the concerns in relation to public safety and has been in correspondence with Environmental Health Officers in order to allay any concerns in respect of public safety. However, it is noted from supplementary comments from Environmental Health Officers following a visit to Tog Farm on the 20th April 2022, that their objection remains, as the works have not been completed. However, the applicant has indicated that the works undertaken are sufficient and highlight photographs, which have been provided to the Environmental Health Officer to demonstrate the same. The applicant was of a view that a further site visit was not required. The Environmental Health Officer will be in attendance at the meeting and will confirm their position for Members.

Members are guided to Paragraph 25.6(e) of the council's statement of licensing policy which details the following *'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.'*

It is noted that the Environmental Health (Pollution Team), Child Protection Officer and Trading Standards did not make an objection to the application and have all advocated conditions be attached to a licence, if granted. The applicant has agreed to conditions as suggested by the Child Protection Officer and Trading Standards concerning age restricted sales and age classification on showing of film.

The Fire Authority and Gwent Police both undertook site visits following receipt of the application but responded that having considered the application for the activities sought that they had no representations. Based on this, these Responsible Authorities appear satisfied with the applicant's ability to promote the licensing objectives.

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.

Representations making objections to the granting of the premises licence have been received from a number of residents, elected members and community council. Often the concerns of residents can be addressed through mediation during the consultation period or up until the time of any scheduled hearing. However, in this instance, it is not thought that the concerns of residents can be mediated. Members would be reminded that any concerns of residents, elected members and community council must be in respect of the applicant's ability to promote the licensing objectives. Matters which stray away from the licensing objectives should not be considered relevant by Members.

Paragraph 16.2 of the council's licensing policy also states '*Therefore, any person is able to make representations in relation to certain types of applications as an "Other Person" However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.*'

However, where there is any doubt as to the nature or merit of representations, National Guidance at paragraph 9.9 states '*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.*'

It is noted that a number of residents have requested that their identity remain anonymous as they have reported that they have a fear of reprisal or repercussion should their details be divulged. The Licensing Team has considered each of these requests separately and in line with the council's licensing policy and Home Office Statutory guidance. Whilst their comments are included within the information placed before Members, Members may consider that they are not able fully assess and understand the resident concerns relating to the promotion or otherwise of the licensing objectives, should residents feel unable or unwilling to attend the hearing to amplify or clarify their comments. Members will therefore have to consider how much weight to attribute to such representations. Where objectors indicate that they wish to remain anonymous, the applicant is also unable to test the veracity of the information being levelled against them.

Paragraph 28.21 of the council's licensing policy details '*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.*'

Paragraph 14.5 of the council's licensing policy provides advice to Members when considering representations and states '*Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.*'

Whilst crime and disorder and public nuisance concerns have been raised by residents, Gwent Police have made no objection to the application and appear to be satisfied with the Operating Schedule submitted in relation to the application following their site visit. Likewise, the Environmental Health Pollution Officer, has assessed the application, taken into consideration the maximum number of persons that could be present i.e 10 guests and has not made an objection. However, the Environmental Health Pollution Officer has advocated that, conditions be attached, should a licence be granted in order to promote the public

nuisance licensing objective. The concerns of residents appear to relate from use of the land over the last year, where no licensable activities were authorised.

Residents point to allegations of music / patron noise and alcohol related anti-social behaviour that has allegedly originated from Tog Farm and point to events held where it is alleged that entertainment has been held and alcohol supplied in the absence of a licence. At the time of preparing this report, the licensing team does not hold information to support the unlicensed sale of alcohol or other unauthorised licensable activity during events held at Tog Farm. Although, it is clear from the comments made by residents that they believe this was the case.

As a workplace, Tog Farm does benefit from exemptions derived from the Live Music Act which permits unamplified and amplified live music between the hours of 8am-11pm for up to 500 people, in the absence of any licence requirement. Protections are afforded to residents by virtue of the Environmental Protection Act in particular Statutory Nuisance. Residents have referenced that a Noise Nuisance (Abatement) notice was served at Tog Farm following entertainment held last year.

Concerns have been raised in respect of possible noise nuisance that could arise if a licence were to be granted. The Environmental Health Pollution Officer has made no objection and has sought only conditions having considered the application.

Some of the resident concerns appear to be anticipatory in nature about behaviour or issues which could arise, should a licence be granted. Residents detail their concerns about the applicant's ability to operate within the confines of a licence (if granted) and reference noise and antisocial behaviour concerns they experienced over the previous year where events.

Paragraph 28.7 of the council's statement of licensing policy details the following '*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.*'

Members will note Paragraph 19.5 of the council's statement of licensing policy which states '*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.*'

Residents comment upon their lack of confidence in the applicant's ability to manage the site appropriately given events held during the previous year.

It is feasible and permissible that the applicant could continue to host, bring your own alcohol events and live music in certain circumstances, in the absence of any requirement for a licence. However, this is subject to other considerations or permissions such as Planning and other legal requirements in relation to antisocial behaviour which could arise from such events. Further protections to residents could be afforded through Community Protection Notices, which are intended to deal with unreasonable, ongoing problems or nuisances which negatively affect the community's quality of life. These apply to both individuals and businesses and can capture all behaviour that is detrimental to the local community's quality of life.

Members of the Licensing Sub 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.

Members are advised that they must disregard references to concerns about the absence of planning permission as Licensing and Planning are two separate distinct regimes. The absence of planning permission will have no bearing in determining this application for a premises licence by the applicant. Likewise parking concerns would not normally be a consideration for the Licensing Sub Committee in determining an application of this nature.

Members will note that at the time of preparing this report, two responsible authorities, whom the Statutory Home Office Guidance recognises as experts in their respective field have concerns about the applicant's ability to promote the public safety licensing objective in providing the sale of alcohol or provision (showing) of film for a maximum of 10 guests in view of access / egress concerns for patrons.

Paragraph 9.40 of the Home Office Guidance provides to Licensing Authority's in determining applications and states '*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...*'

1.10 RECOMMENDATION

Having had regard to and considered the position of the Responsible Authorities in particular Environmental Health (Health & Safety) and the Licensing Authority acting in its role as a responsible authority, these Responsible Authorities detail concerns about the applicant's ability to promote the Public Safety licensing objective, in relation to patrons accessing and egressing the site. This position has been confirmed following a visit undertaken to Tog Farm on the 20th April 2022.

Added to this concerns received from residents, which also raise the applicant's ability to promote the licensing objectives more generally but who also raise the safety of patrons at the site and promotion of the public safety licensing objective.

In view of these concerns with regards the promotion of the licensing objectives, **it is recommended that the application for a Premises Licence is refused.**

However, should Members determine to grant the application for a premises licence, then Members are asked to apply the conditions as set out in **Appendix 22** to any licence.

Background Papers:

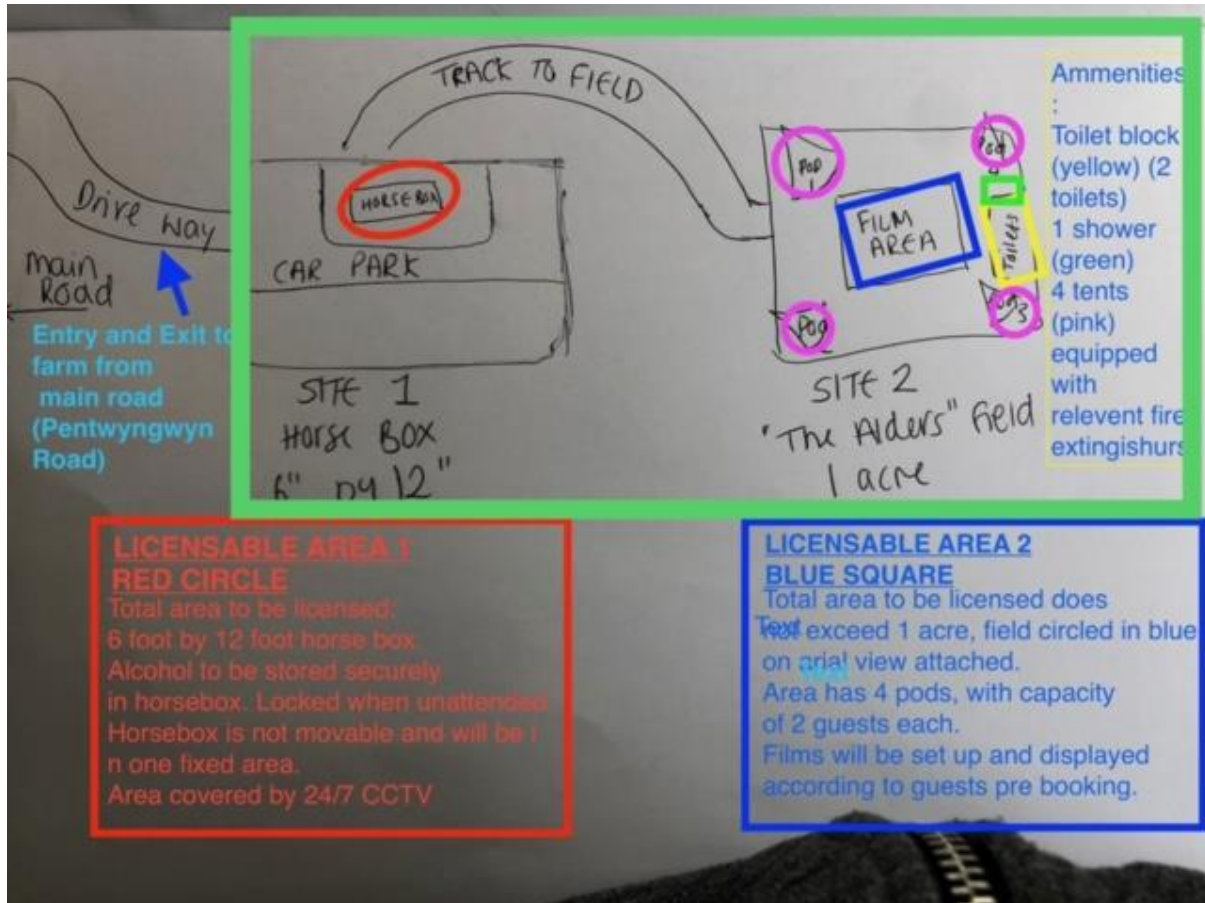
[Link to Statutory Guidance issued under S182 of the Licensing Act](#)

[Link to Caerphilly CBC Statement of Licensing Policy](#)

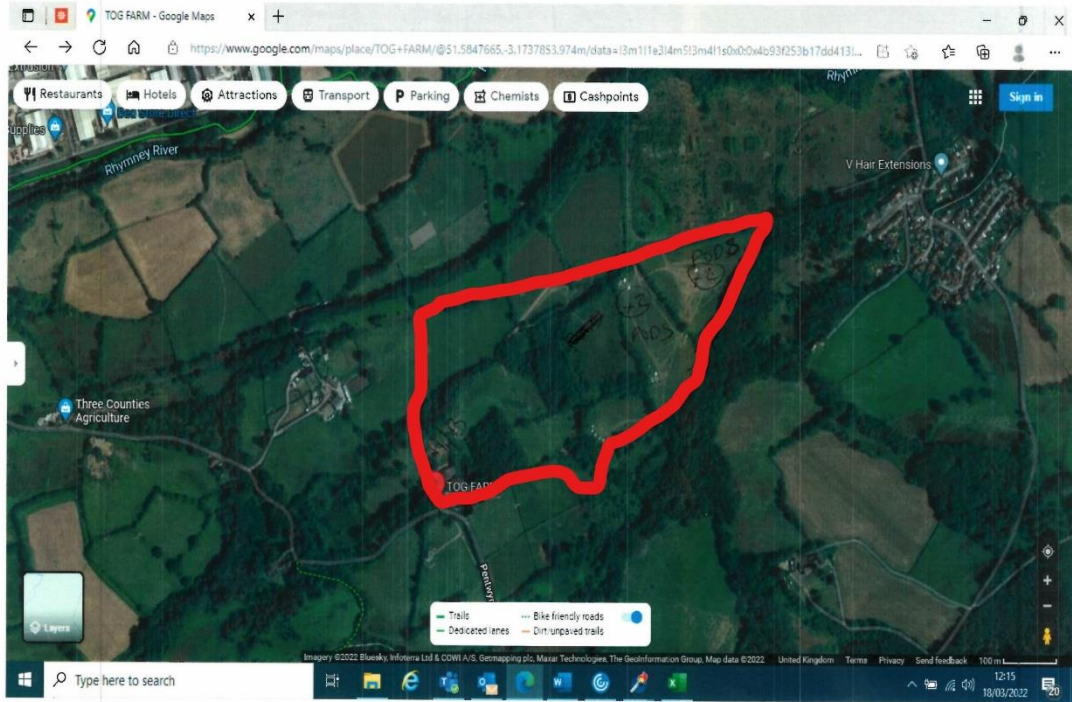
Date of this report: 21st April 2022

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Extract of Statement of Licensing Policy

5.3 When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy. To this end, the Licensing Authority is prepared to consider identifying zones in its area where hours of operation for licensable activities will be fixed. At the time of preparing this policy, no zones have been identified. However, the Licensing Authority will consider the introduction of such zones and limiting of hours for licensable activities upon receipt of representations from and following consultation undertaken with Responsible Authorities. This will be applied in the event of representations being made upon an application unless the Licensing Sub-Committee is persuaded that it would not be appropriate to apply them in the circumstances of the application.

5.5 In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.

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.

6.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority. These matters would be a specific consideration for the local Planning Authority taking into account the demands of the licensed trade and market demands.

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; or
- 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.

12.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events. Applicants are advised to seek advice from various organisations, such as the Caerphilly CBC health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.

12.3 Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety. Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant:

- The number of people attending the premises/safe capacity levels, (factors may include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars, etc);
- The age, condition, design and layout of the premises, including the means of escape in case of an emergency.
- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
- Customer profile (e.g. age, disability etc.);
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
- Electrics and heating as part of the risk assessment.

12.7 The Licensing Authority recognises that there are links between public safety and health, for example injuries suffered in licensed premises that need medical treatment. Falls are a contributor to alcohol related hospital attendances and admissions. Considering and noting issues relating to public safety in responses to a licensing application can be an effective way of addressing these issues through conditions being placed on a licence, or, in more extreme cases a licence not being granted. The Health Board, as a Responsible Authority, may be able to provide evidence of prevalence, costs and impacts of public safety issues as appropriate.

13.9 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection

of children is met. To support the age-verification process the Authority strongly recommended that premises have the following measures in place to ensure age verification for sales –21

- That ‘Challenge 25’ is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

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.

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

16.2 Therefore, any person is able to make representations in relation to certain types of applications as an “Other Person” However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

17.7 It is strongly recommended that prospective licence applicants contact the Local Planning Authority in advance of making a licence application in order to check, or seek advice on, any planning consents or any conditions relevant to the use of the premises. It clearly makes operational sense to ensure that planning and licensing are compatible.

17.11 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.

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.

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.

28.7 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.

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

1.3 The licensing objectives are:

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

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

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.

1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

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.

2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical

safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

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

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

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the

area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.21 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.

9.27 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

9.28 Where licensing authorities consider that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, they may wish to consider alternative approaches.

9.29 For instance, they could advise the persons to provide the relevant responsible authority with details of how they consider that the licensing objectives are being undermined so that the responsible authority can make representations if appropriate and justified.

9.30 The licensing authority may also decide to withhold some or all of the person's personal details from the applicant, giving only minimal details (such as street name or general location within a street). However, withholding such details should only be considered where the circumstances justify such action.

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.

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



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY

Name of Applicant	Tog Farm, Rudry
Premises	Tog Farm, Rudry
Your Name	Deb Lewis
Job Title	CP Coordinator
e.mail Address	lewisdj1@caerphilly.gov.uk
Date	23 rd March 2022
Contact Telephone Number	01443 864616

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	✓

Please outline the reasons for your Representations

Children's Services Safeguarding Team received an application for a Tog Farm, Rudry, CF83 3DG. I have reviewed the application and have made representations that would assist the applicant in promoting one or more of the licensing objectives.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account

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.

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.

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.

CE02 No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film, which has received, a '18' certificate from the British Board of Film Classification. In such circumstances a "Challenge 25" policy should be adhered to and valid proof of age required before admittance.

CE03 No person apparently under the age of fifteen years shall be admitted to any exhibition at which there is to be shown any film which has received a '15' certificate from the British Board of Film Classification.

CE04 No person apparently under the age of twelve years shall be admitted to any exhibition at which there is to be

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

	shown any film, which has received a '12A' certificate from the British Board of Film Classification unless accompanied by an adult.
Are you prepared to discuss these representations with the applicant by way of mediation?	Yes

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

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Environmental Health/Health & Safety

Name and Address of Applicant	Bridget Lewis
Premises	Tog Farm, Rudry CF83 3DG

Your Name	Dean Pugh Date: 31st March 2022
Job Title	Commercial safety Officer
e.mail Address	Pughd1@caerphilly.gov.uk
Contact Telephone Number	01443 811339

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	

Please outline the reasons for your Representations

I have assessed the application, operating schedule and undertaken a site visit on 24/03/22 with a number of other responsible authorities to the proposed licensing areas and from the observations made and information provided thus far by the applicant I would object to the application for the following reasons:

1. Access from the 1st licensable area (point of sale of alcohol) to the 2nd licensable area (camping area, point of consumption) is via a rough track which has deeply rutted around the lower end of the track due to the ground becoming waterlogged. Extensive water pooling remained at the time of the site visit at the entrance to the camping area. In my opinion the access/egress between the licensable areas is not suitable in its present condition. Please refer to the attached photographs I took during the site visit.
2. It is noted that the operating schedule does not outline how guests will be transported between the licensable areas. The distance between the licensable areas is considerable, it took me approximately 15 minutes to walk from the proposed site of the horsebox to the campsite.

The objections would remain in force unless the applicant can demonstrate:

- that works have been undertaken to provide a surface to the track that is free from holes and ruts. The surface of the track must be maintained thereafter in a suitable condition.
- That works have been undertaken to the entrance of the camping area to prevent water pooling.
- Arrangements must be implemented to transport guests safely between the licensable areas. Guests must be transported in suitable enclosed vehicles. Guests must not be transported in a trailer behind an all-terrain vehicle (ATV). Guests should not sit astride an ATV.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account

If the Sub Committee is of a mind to approve the application the following should also be included as conditions to the licence:

- The condition of the surface to the track between the licensable areas is proactively monitored and maintained in a suitable condition thereafter.
- Guests must be transported safely between the licensable areas in suitable enclosed vehicles. Guests must not be transported in a trailer behind an all-terrain vehicle (ATV). Guests should not sit astride an ATV.
- The track between the licensable areas and the camping area should be kept free of farm livestock at all times.
- Arrangements should be made for guests to be transported in a suitable vehicle from the camping area in the event of an emergency overnight.
- The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food, food wrappings, drinks containers, smoking related litter etc. by camping guests.

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

	<ul style="list-style-type: none"> • Alcohol must be consumed in the 2nd licensable area (camping area) from poly carbonate glasses. This area should remain free from glass. Once alcohol is decanted guests must be encouraged to dispose of the bottles in the waste receptacles provided. • Suitable hand washing facilities and signage must be provided adjacent to the 1st licensable area (horsebox, point of sale of alcohol). Guests may be tempted to pet animals in the adjacent paddock.
<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



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

Tog Farm Visit 20/04/22 - Objections to License Application
Wed 20/04/2022 14:40 - Pugh, Dean <PUGHD1@CAERPHILLY.GOV.UK>

Hi Lee

I was contacted by Ms Lewis via e-mail on 8th and 12th April 2022 in respect of works ground works undertaken at Tog Farm since I had submitted objections to the licence application on 31st March 2022 namely:

1. Access from the 1st licensable area (point of sale of alcohol) to the 2nd licensable area (camping area, point of consumption) is via a rough track which has deeply rutted around the lower end of the track due to the ground becoming waterlogged. Extensive water pooling remained at the time of the site visit at the entrance to the camping area. In my opinion the access/egress between the licensable areas is not suitable in its present condition. Please refer to the attached photographs I took during the site visit.

2. It is noted that the operating schedule does not outline how guests will be transported between the licensable areas. The distance between the licensable areas is considerable, it took me approximately 15 minutes to walk from the proposed site of the horsebox to the campsite.

The objections would remain in force unless the applicant can demonstrate:

- that works have been undertaken to provide a surface to the track that is free from holes and ruts. The surface of the track must be maintained thereafter in a suitable condition.*
- That works have been undertaken to the entrance of the camping area to prevent water pooling.*
- Arrangement must be implemented to transport guests safely between the licensable areas. Guests must be transported in suitable enclosed vehicles. Guests must not be transported in a trailer behind an all-terrain vehicle (ATV). Guests should not sit astride an ATV.*

Ms Lewis had submitted photographs of works in progress on 8th April 2022 however I explained that the works would need to be completed to a satisfactory level and that I would need to visit the licensable area to assess compliance before considering the removal of my objections. Ms Lewis indicated that she was keen for that visit to take place as soon as possible however she advised that she would be away at the beginning of this week. I e-mailed Ms Lewis to suggest meeting at Tog Farm on 20th April at 11am. Ms Lewis did not acknowledge the e-mail.

I was aware that the Licensing Manager was due to submit a report to Committee Services on 21st April 2022 therefore I went to Tog Farm this morning at 11am hoping to assess compliance. I visited with my colleagues Lorraine Heyworth, Senior Commercial Safety Officer and Annette Dicks, Assistant Licensing Manager, both acting as Responsible Authorities. We arrived at the gated entrance at 10.47am. A sign indicated that we should stay in the car and ring the mobile telephone numbers shown on a notice board and wait for someone to meet us. Lorraine Heyworth rang both of the telephone numbers which rang to answerphone so she left a message to say that we had arrived. By 11.05 no-one had come out to meet us so Annette Dicks rang Ms Lewis. This rang to answerphone and Annette Dicks left a message. At 11.10 I moved the car up to the house and Lorraine Heyworth knocked on the front door of Tog Farm. She informed me that the door was opened by a lady that introduced herself as Ms Lewis's Mother who asked whether Bridget knew that we

were calling. Lorraine explained that Bridget had not acknowledged the e-mail, however we needed to see if the works had been completed. Ms Lewis's Mother told Lorraine that she thought it was strange as Bridget was going to St Fagans for the day. Lorraine informed me Christopher Lewis came to the door, I could see that he was on crutches. Mr Lewis was about to go out to look for Bridget Lewis however his Mrs Lewis stopped him and said that "Bridget knows they are here so she will be come around now". This gave the impression that Bridget was at home. Lorraine informed me that Mrs Lewis had entered into a conversation about how it was unfair that The Viaduct down the road had been granted a licence. She had commented to Lorraine that they only wanted a licence so that in the event of a wedding for example with 14 ladies attending, they would like to greet them with a glass of Prosecco. Lorraine Heyworth explained to me that she had to point out that even if the licence was granted this would still not be possible as Ms Lewis had only applied for a maximum of 10 persons in the licensable area. Lorraine Heyworth commented that Mrs Lewis appeared taken aback by this. I heard Lorraine Heyworth's phone ring, it was Bridget Lewis returning her call. Lorraine outlined the gist of the conversation to me in which Ms Lewis had come across as annoyed that we were there as she had not acknowledged Dean Pugh's E-mail. Ms Lewis had commented that she didn't know what she was going to be doing on 20th so chose not to answer. Lorraine Heyworth explained to Ms Lewis that as she hadn't answered and she had requested us to look at the works asap we thought that we would keep to the appointment. Lorraine Heyworth outlined that Bridget Lewis tone was fairly irate, she told Lorraine Heyworth that she definitely would not be there today as she was in hospital. Lorraine told me that Mrs Lewis seemed to be unaware of this development. I spoke with Mr. Lewis who informed me the area was not finished and he queried what the issue is with the rutting in the access track. I explained to Mr. Lewis there could be issues if people needed to leave urgently in the event of an emergency and the farm vehicle was not available for transportation purposes. Mr. Lewis recognised this could be an issue and informed me he would like see a more substantial surface to the entrance to the field over the stream. Issues with a section of the stream that passes under the track entrance to the field had caused flooding of the area resulting in rutting of the track. He said he had spoken to NRW about his proposed plan to include raised stones with recycled rubber from tyres. Mr. Lewis said NRW were happy with his proposal although Mr. Lewis is unsure if it is acceptable to the Local Authority's Planning Department. I informed Mr. Lewis our Licensing Department have to submit a report to the Committee Services, which has be to be submitted tomorrow, 21/04/22. I informed Mr. Lewis that Ms. Lewis needs to contact myself or our licensing department as soon possible.

As the works have not been completed I cannot lift the objections to the granting of the application.

regards

Dean Pugh

Swyddog Diogelwch Masnachol | Commercial Safety Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 811339

✉ pughd1@caerphilly.gov.uk pughd1@caerffili.gov.uk



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Licensing

Name and Address of Applicant	Tog Farm Ltd
Premises	Tog Farm, Rudry, CF83 3DG

Your Name	Annette Dicks Date: 1 ST April 2022
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	

Please outline the reasons for your Representations

Following receipt of the application premises licence, I attended a site visit with a number of other Responsible Authorities to view the site and discuss the application with the applicant. Whilst the applicant has included in her operating schedule a limit of no more than 10 guests at any one time, there is no reference within the application on how they will be transported from one area to another. given the distance between the areas concerned. At the time of inspection it was noted that ground conditions were poor and concerns have been raised by Health and Safety in relation to the safe access of guests from one licensable area to another. The Licensing Authority would therefore support the objections made by Health and Safety in relation to the public safety licensing objective. Concerns are also raised by the applicant's subsequent response to an objection received by an 'other person' that their business plan includes the maximum number of guests at any one time will be 15 guests. Clearly if a premises licence was granted, based on the applicant's operating schedule of 10 guests then this would not coincide with their business plan and could be a breach of conditions of licence. During our site visit the applicant was reminded of the maximum numbers that you she had indicated on the application and, if granted, would become a condition of licence.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account

Should the Licensing & Gambling Sub Committee be of a mind to approve the application the Licensing Authority would support the conditions submitted by Children's Services, Environmental Health and Health & Safety.

In addition the Licensing Authority would advocate the following conditions:-

The use of CCTV shall cover the licensable area where the supply of alcohol takes place, continually record when licensable activity takes place and shall be maintained in good working order.

The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;

The correct time and date will be generated onto both the recording and the real time image screen;

If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;

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

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

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	<p>The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an ‘incident / refusals’ logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. Records shall be kept for a period of 12 months</p> <p>Finally due to the distance between both licensing areas, the licensing authority would advocate, in addition to the condition advocated by the Environmental Health Pollution Officer in relation to boundary checks, the following condition:</p> <p>Monitoring of the licensable areas will be undertaken at hourly intervals to ensure the promotion of the licensing objections and the avoidance of anti social behaviour etc.,</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.

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Please find attached comments regarding the premises license application for Tog Farm, in accordance with the following findings from the site visit made with responsible authorities. :

- Maximum of 10 attendees at any one time.
- Provision of film is to be delivered to individual camping pods with audio provided by projectors, not in a central location.
- Provision of film is available as part of accommodation provision only, meaning access and egress movements later into the evening & night are unlikely – further reducing the potential for public nuisance.

Conditions have been proposed to be agreed with the applicant.

Kind Regards

Kristian Jennings

Swyddog Iechyd yr Amgylchedd Rhanbarth | District Environmental Health Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 811350

✉ jennik@caerphilly.gov.uk jennik@caerffili.gov.uk



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY - Environmental Health (Noise)

Name and Address of Applicant	Bridget Lewis, Tog Farm
Premises	Tog Farm, Rudry, CF83 3DG

Your Name	Kristian Jennings	Date 30 th March 2022
Job Title	Environmental Health Officer	
Email Address	jennik@caerphilly.gov.uk	
Contact Telephone Number	01443 811350	

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	✓	<p>Environmental Health have considered the premises license application and have the following comments to make:</p> <p>There are initial concerns regarding the potential for public nuisance from the provision of regulated entertainment.</p> <p>However, from discussions with the applicant and from findings of the site visit conducted with the Responsible Authorities, these concerns are alleviated.</p> <p>The following conditions are proposed to be formally agreed with the applicant, to further reduce the potential for public nuisance and noise impacting nearby residents:</p> <ul style="list-style-type: none"> • Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place

		<p>between 08:00-23:00.</p> <ul style="list-style-type: none"> • The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion. • The manager, licence holder or other competent person shall carry out observations at the boundary perimeter during the periods of regulated 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 noise shall be reduced to a level that does not cause disturbance.
The Protection of Children from Harm		
What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account		
Are you prepared to discuss these representations with the applicant by way of mediation?	Yes or No	Yes

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – TRADING STANDARDS

Name of Applicant	TOG Farm Ltd
Premises	TOG Farm, Rudry, Caerphilly, CF83 3DG

Your Name	Tim Keohane	Date 28/03/2022
Job Title	Senior Trading Standards Officer	
e.mail Address	keohatp@caerphilly.gov.uk	
Contact Telephone Number	01443 811319	

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	✓

Please outline the reasons for your Representations
My representations are to support those of my fellow Responsible Authority, CCBC Children's Services. In relation to the Protection of Children from Harm, I believe that the suggested conditions by Children's Services will help the applicant meet their responsibilities and best satisfy this objective

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	N/A
Are you prepared to discuss these representations with the applicant by way of mediation?	Yes

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From: Cllr. Jones, Barbara <JONESB12@CAERPHILLY.GOV.UK>

Sent: 30 March 2022 15:46

To: 'Licersing@caerphilly.gov.uk' <Licersing@caerphilly.gov.uk>

Subject: TOG FARM LICENCING APPLICATION

Dear Sir, I am submitting this representation to your committee in regard to the application of TOG farm to acquire a License to sell alcohol on site, this is an application I wish to oppose on behalf of the residents who have contacted me over the last year with there worries and concerns.

I am a County Councillor representing St James ward, as most Councillors, I receive many requests for support and assistance from residents, but last year residents began contacting me in quite significant numbers with issues and concerns around matters concerning TOG farm.

I received telephone calls and visits from residents, during the conversations I had with residents, many of them were distressed and one lady told me that if things continued as they were, she intended to try to sell her house and move away.

I appreciate that I have not visited TOG farm myself, however last summer, I was able to clearly hear the music from the farm while sitting in my garden, and I was able to see the increase in traffic during weekends.

I would like to give you an indication of the concerns expressed to me by residents,

The entrance to the campsite off the main, very narrow Rudry road is on a very sharp bend, this caused difficulties for passing traffic and difficulties for people trying to exit the farm track onto the main road, it is loose gravel and some cars skid and have difficulty getting purchase.

While leaving the farm after a weekend and waiting for their taxi to arrive, some have urinated and defecated in the road very close to the homes of those living close by, really upsetting residents.

While speaking to a Caerphilly resident this week, they told me they had attended an event at the farm and even though they had fun, the toilet facility was a bucket, as I have said, I have not visited the farm myself as I am disabled and would have difficulty walking down the track to the farm, however it concerns me greatly if this is true, and I have no reason to disbelieve the person concerned, where and how is the sewerage being disposed of ?

I was directed to look at Facebook by one resident and it was quite clear that alcohol was available on site,

Residents have made me aware that the Police have had to attend disputes on site on more than one occasion.

Residents reported that there are large dogs on the farm which have been known to attack other dogs,

There are also animals on the farm which children can visit but I am unaware of any safety protocols available to ensure the safety of the children

In conclusion, I would just clarify concerns raised by residents,

Escalation of behaviour of certain visitors

Health issues regarding the disposal of sewage,

Health and safety issues regarding children attending to visit the animals,

An increase in the amount of traffic.

An increase in the noise,

If a licence to sell alcohol is granted to TOG farm, residents are concerned that there will be an escalation of the unpleasant behaviour they have had to witness on many occasions already causing worry and distress, their lives are a continuous round of stress, upset and concern,

.

Cllr Barbara Jones

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

✉ barbarajones@caerphilly.gov.uk barbarajones@caerffili.gov.uk

From: Cllr. Forehead, Christine <FOREHC@CAERPHILLY.GOV.UK>
Sent: 31 March 2022 12:11
To: Hopkins, Kathryn <HOPKIK1@CAERPHILLY.GOV.UK>
Subject: RE: TOG Farm

Hi Kath,

In relation to my objection to the TOG Farm application:-

In relation to crime and disorder there has been no actual crime on the site as far as I know but the loud music being played well into the night in a residential area is a nuisance for the community. The Police, Fire Service and the Ambulance Service have inspected the site and they have all confirmed that if a serious incident occurred they would not be able to access the site.

With regards Public Safety the access to the site is a very narrow farm track which is very muddy for most of the time. Customers are transported from the main road to the site on the back of a flat-bed lorry with no safety equipment.

Prevention from Nuisance. In addition to the noise issue many people using the site park in the village, where there is already a parking issue, resulting in car doors being slammed and engines starting up in the early hours of the morning.

Protection of children- the applicant have a number of farm animals freely roaming the site which the applicant claims are rare breeds. There are also three very large dogs one of which has bitten members of the public. Our schools used to run school trips to the site but this was stopped by the Education Department when they found out that it was happening.

I hope this is of help to you and I can confirm that I am the elected Ward Member and speak on behalf of my constituents.

Many thanks,
Chris

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From: Cllr. Forehead, Elaine <FOREHE@CAERPHILLY.GOV.UK>
Sent: 06 April 2022 14:38
To: Morgan, Lee <MORGAL16@CAERPHILLY.GOV.UK>
Subject: Re: Tog farm

Hi lee

I would like to refer to the objection statement submitted by Cllr Christine Forehead. These views are shared by both of us as ward councillors and have been gathered by case work undertaken
Thanks
Elaine

On: 05 April 2022 13:55,
"Morgan, Lee" <MORGAL16@CAERPHILLY.GOV.UK> wrote:

Hi Cllr Forehead

Further to our conversation earlier today (5th April 2022) please can you clarify the grounds of your objection under the Public Nuisance licensing objective in order that they can be considered.

Your comments received to date would be insufficient to be regarded as relevant representation.

If you have further comments then these need to be submitted to the licensing team ideally by tomorrow 6th April 2022 in order that they be forwarded to the applicant.

Kind Regards

Lee

From: Cllr. Forehead, Elaine <FOREHE@CAERPHILLY.GOV.UK>
Sent: 29 March 2022 21:29
To: Hopkins, Kathryn <HOPKIK1@CAERPHILLY.GOV.UK>
Subject: Re: Tog farm

Hi Kathryn

I am objecting for reasons of public nuisance. I am undertaking this as ward councillor.
Thanks
Elaine

On: 29 March 2022 13:37, "Hopkins, Kathryn" <HOPKIK1@CAERPHILLY.GOV.UK> wrote:

Hi Cllr Forehead,

I refer to you email below in relation to objecting to a new premise licence for Tog Farm, Rudry.

To object to an application under the Licensing Act 2003, it must relate to the four licensing objectives:-

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

Therefore, please can I request you expand your reasons to include the above in order that I can accept your representation as being valid. Please be aware the last day representations can be received is 1st April 2022.

I have attached the link of the Council's Licensing Policy for your information. (Page 51 may assist)

[StatementOfLicensingPolicy.aspx \(caerphilly.gov.uk\)](http://StatementOfLicensingPolicy.aspx(caerphilly.gov.uk))

In addition, can you also confirm if you are making representations as a local ward member, or on behalf of your residents/constituency.

Should you require further advice, please don't hesitate to contact me.

Kind regards

Kathryn

From: Cllr. Forehead, Elaine <FOREHE@CAERPHILLY.GOV.UK>

Sent: 28 March 2022 19:19

To: Hopkins, Kathryn <HOPKIK1@CAERPHILLY.GOV.UK>

Subject: Tog farm

Hi Kathryn

I would like to register my objection to the licensing application for Tog Farm

Kind regards

Elaine

From: RICHARD JENKINS <redacted email>
Sent: 28 March 2022 13:10
To: Morgan, Lee <MORGAL16@CAERPHILLY.GOV.UK>
Subject: Re- Tog Farm Rudry - Application for a Premises Licence

Dear Lee,

I wish to formally object against a Premises Licence being granted to Tog Farm Rudry Caerphilly. My Main area of concern is the noise levels generated by outdoor events held at this business. My property is approx 250 meters from the events fields where several Dome tents are currently sited. During the course of last year many unlicensed events were catered for (stag, hen, music festivals & wedding/engagements) during which loud music could clearly be heard from my property which was reported several times to CCBC and Gwent Police. Area's of concern are the managing of licencing hours, to access the event fields you require a 4 x 4 type vehicle, during the course of last year two Police incidents occurred due to antisocial behaviour which presented major differculties accessing the site.

My wife and I struggle to sleep when events are taking place, my wife would get very upset knowing to she has get up at 5am in the morning to start a 12 shift working as a nurse, why we should have to suffer for Tog Farm to profit from these currently unlawful activities is wrong. Tog farm have been operating since the beginning of last year without any permission for the change of use of the land, no permission to sell alchol, no music licence, no permission to site the tents, the list goes on, and yet CCBC have done nothing to support the community who have endured the noise, antisocial behaviour, the consumption of alcohol and drugs. With reference to drugs I personally have smelt cannabis on my early morning dog walks on my neighbour's land bordering Tog farm.

In conclusion I argue this is not a business which should be considered for the sale of alcohol, due to the site location its not possible to manage effectively.

Kind Regards

Richard Jenkins

Newhouse farm

Rudry

CF83 3DG

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12. Gauth Close
 Ruddy
 CF83 3EN.

Dear Sirs

I am writing in reply to a request from TOG FARM Ltd. in Ruddy for a Premises licence. I completely object to this. Last year there was so much noise and disturbance from there with out a licence. Police and other people were annoyed. I live in the village and could hear all the noise. This will escalate with the licence granted. They were even selling Home Made Slurp on their web site last Christmas. Did they have a licence for this. They denied it but if you find a old web site you will see this is true.

If you grant the licence things will go completely out of control down there

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From: redacted email
Sent: 30 March 2022 09:50
To: Morgan, Lee <MORGAL16@CAERPHILLY.GOV.UK>
Subject: Tog Farm Rudry Road. Alcohol licence application

Dear Mr Morgan.

In the absence of an application reference number can I assume that the address in question is sufficient to register my representation ?.

Further to the raft of objections and complaints to various planning applications from Tog Farm I wish to register my representation to the alcohol licence application.

Public Safety.

Tog Farm is surrounded by equestrian centres and the extra traffic on already busy narrow lanes would endanger the public ,including the ramblers who frequently use the public rights of way and lanes.

Increased traffic to an alcohol selling establishment on narrow lanes would endanger public safety.

This subject should be paramount and the Authorities responsibility when deciding whether to grant the alcohol licence.

Prevention of crime and disorder.

This unlicensed business has shown total disregard to the disorder their clients have caused, including, shouting, screaming, antisocial behaviour in general, loud live music, which forced me to stay indoors to avoid the noise pollution.

To this end it was served with a noise abatement notice in 2021, party goers using the lane as a toilet, vehicles blocking narrow roads in Rudry village ,busses, taxis and cars parking on a narrow bend waiting to collect party goers at certain times of the day, and vehicles having to stop when passing them.

Prevention of public nuisance.

Included in Prevention of crime and disorder.

Protection of children from harm.

This again should be the relevant departments responsibility within the Authority to investigate and decide as necessary.

yours sincerely

Redacted Name

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Caerphilly County Borough Council
Licensing & Permits
Ty Penallta
Parc Tredomen
Ystrad Mynach
CF82 7PG

29th March 2022

Licensing Act 2003 – New Premises Licence

TOG Farm Ltd - The Old Granary, Pentwynwyn Road, Rudry, CF83 3DG
The sale of alcohol Monday to Sunday inclusive 1500 to 2300 hours.

Dear Sir/madam

I wish to object to the above, noted licence on the following grounds:

- 1 Prevention of Crime & Disorder
- 2 Public Nuisance
- 3 Public safety
- 4 Protection of children from harm

Prevention of Crime & Disorder

From 2020 and throughout 2021 we have unfortunately been able to experience and can provide an insight on the impacts of TOG Farms unlawful business activities and although not licensed the impacts of them providing alcohol to their revellers has shown their lack of respect for the law, their neighbours and local residents. On walking close by we could smell the excessive use of cannabis by its clients. Not having to be close by we could hear excessive noise from their revelling far and wide.

The activities conducted at TOG Farm, being mainly ‘entertainment events’ involving lots of alcohol as well as music live, disco, karaoke and recorded, have resulted in numerous complaints from local residents in respect of noise, general disturbance and anti-social behaviour often resulting in police attendances and the issue of a noise abatement order. While it appears that alcohol has been previously provided for these events without seeking to apply for licence, it will only serve to increase the detriment to local residents if the sale of alcohol for 40 hours each week in a peaceful [open-air] countryside location is permitted. It will also have a detrimental impact on the rural area should Film Events take place as this will again disturb the rural setting by light and sound.

Public Nuisance

It is clear from the previous complaints received by Caerphilly County Borough Council regarding TOG Farm’s activities that the consumption of alcohol has fuelled several instances of public nuisance due to the inhibitions of ‘visitors’ or more accurately ‘rowdy party goers’. The more usual setting for public consumption of alcohol is in public houses where noise and behaviour impacts are contained within that environment rather than those outside and around it. At TOG Farm, which is an open-air event environment in a countryside setting, the noise and behaviour impacts greatly on local residents and has been totally unacceptable as evidenced by the attendance of police and the noise abatement order. Agreeing to licensing the sale of alcohol for TOG Farm events will likely result in a proliferation of such complaints and cause distress and disturbance for us neighbours and those residents in the villages of Rudry and Waterloo as well as disturbing the natural setting and sense of place and the disruption to nature and wildlife habitats.

Past evidence has shown those party goers of TOG Farm have been responsible for creating additional littering of empty beer bottles and detritus coming from the business either in deliberately being disposed of inappropriately or being allowed to filter out from the business (cans, balloons, plastic, food containers etc) and the antisocial behaviour such as that seen where one of their visitors was witnessed urinating along the hedgerows coming back to their tents after venturing out wider than the confines of the business.

Public safety

It is obvious from images attached there are serious concerns regarding the safety of visitors to TOG Farm which are likely to increase with the permitted sale of alcohol in what is essentially a farming environment. In the application TOG Farm suggests in their response to 'safety' is getting clients to sign a disclaimer! **This does not reduce the risk!** those risks, due to lack of duty of care, incompetence and impaired judgment through excess alcohol reduces the ability to foresee risk and danger. This will lead to serious harm where there is the likelihood of risk taking behaviour resulting in a greater risk of injury. Consuming alcohol in a farmland setting means the risks are more so where farm animals present an unpredictable risk in any event.

behaviour resulting in a greater risk of injury. Consuming alcohol in a farmland setting means the risks are more so where farm animals present an unpredictable risk in any event.



In addition to these risks the terrain on which this activity is to take place is difficult to access by vehicle and the police have already indicated should there be an emergency the emergency services would not be able to access the area without 4x4 vehicles of which are not available easily in Gwent for the ambulance services, fire and rescue or the police.

Protection of children from harm

I have some very serious concerns for the safety of children attending TOG Farm where they were in close proximity to farm animals with no apparent protection and without any competent person should an incident occur. This is completely reckless behaviour by the owners of TOG Farm and give you an insight on their lack of ability to understand the legal implications as business owners of ensuring their clients will not be put at risk. See here where pictures posted by a 'visitor' to TOG Farm which demonstrates a lack of responsibility by the proprietors clearly placing children in harm's way. Adding poor practice and lack of basic common sense of the proprietors in protecting visitors from risk and the addition of the sale of alcohol to those visitors will only increase this risk by decreasing inhibitions and increasing the likelihood of those very real risks and risk taking.



I believe the application for an Alcohol License to this business for any number of guests should be refused because of the above and in view of the historical evidence that shows these applicants, in my opinion, are not reliable or responsible candidates to hold such a license, they have in my view shown clearly they hold no regard for rules or regulations especially as the applicant does not reside at the Old Granary as stated on the application form, but in an unlawfully sited static caravan within the fields of TOG Farm and it is my belief they will abuse any allowance afforded them.

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Caerphilly County Borough Council
Licensing & Permits
Ty Penallta
Pare Tredomen
Ystrad Mynach
CF82 7PG

31st March 2022

**Licensing Act 2003 - New Premises Licence
TOG Farm Ltd - The Old Granary, Pentwynwyn Road, Rudry, CF83 3OG
The sale of alcohol Monday to Sunday inclusive 1500 to 2300 hours.**

Dear Sirs

I wish to object to the issue of the above-noted licence on the following grounds:

1. Prevention of crime and disorder.

By way of background I attach the text of a letter of objection to planning application 21/0972/RET dated 10th November 2021 (Appendix I) - the letter was unanimously endorsed by Members of Draethen, Waterloo and Rudry Community Council (DWRCC) at the Ordinary Meeting of the Council on 25th November 2021.

The activities previously conducted at TOG Farm, being mainly entertainment events involving alcohol, have resulted in numerous complaints from local residents in respect of noise, general disturbance and anti-social behaviour which have resulted in police attendances and the issue of a noise abatement order. While it appears that alcohol has been previously provided for these events without licence, it will only serve to increase the detriment to local residents if the sale of alcohol for 40 hours each week in a peaceful [open-air] countryside location is permitted under licence.

2. Public Safety

As you will see from the images on the attached letter dated 10th November 2021, I (and DWRCC) had serious concerns regarding the safety of visitors to TOG Farm which are likely to increase with the permitted sale of alcohol in what is essentially a farming environment in close proximity to farm animals.

There is ample evidence to support the assertion that the consumption of alcohol decreases inhibitions and increases the likelihood of risk-taking behaviour resulting in a greater risk of injury. Consuming alcohol in a farmland setting means the risks are more so where farm animals present an unpredictable risk in any event.

There is also feedback on TOG Farm's Facebook page that suggests public safety is not high on TOG Farm's agenda. The feedback from one 'guest' dated 15th November outlines an incident where a gas stove exploded (Appendix II).

3. Prevention of Public Nuisance

It is clear from the previous complaints received regarding TOG Farm's activities that the consumption of alcohol has fuelled several instances of public nuisance due to the inhibitions of 'visitors' or more accurately 'partygoers'. The more usual setting for public consumption of alcohol is in public houses where noise and behaviour impacts those within that environment rather than those outside and around it. At TOG Farm, which is an open-air event environment in a countryside setting, the noise and behaviour impacts greatly on local residents and has been unacceptable as evidenced by the attendance of police and the noise abatement order. Licensing the sale of alcohol for TOG Farm events will likely result in a proliferation of such complaints.

TOG Farm is also applying for a licence to provide films from 1800 hours to 2300 hours, Monday to Sunday both indoors and outdoors. In the recent past TOG Farm has held live music events and the noise from these events has resulted in several complaints from residents regarding the noise. The noise from showing outdoor films is likely to be equally intrusive. As sound carries far and wide from the open fields, this will disturb the peace of residents who are entitled to expect to enjoy the peace and quiet usually associated with the countryside.

4. Protection of Children from Harm

As you will see from the images on the attached letter dated 10th November 2021, I (and DWRCC) had serious concerns for the safety of children attending TOG Farm where they were in close proximity to farm animals with no apparent protection.

DWRCC were particularly concerned regarding these two pictures posted by a 'visitor' which demonstrates a lack of responsible behaviour by clearly placing children in harm's way. The sale of alcohol will only increase this risk by decreasing inhibitions and increasing risk taking.



This recent image from TOG Farm’s Instagram page shows an extremely concerning situation:



Other issues relating to the application:

The application provides no assurance for public safety. The submission under Licensing Objectives for (c) [Public Safety] states, “The general public will not be in contact with any of our guests.....” which fails to recognise that paying guests *are* the general public. The submission, instead, focusses [extremely briefly] on the safety of TOG Farm’s staff.

The submission under Licensing Objectives for (e) [The prevention of public nuisance] fails to take account of the fact the unacceptable levels of noise from previous TOG Farm events can be heard in the surrounding properties in Rudry and Waterloo. While TOG Farm is indeed private land it is open farmland and not suitable for such entertainment events. Historically, it has created a considerable public nuisance. Those of us in the area have had no choice but to listen to loud amplified music and commentary throughout the day and evening not just on the odd occasion but consistently throughout the summer months and beyond.

The application provides no assurance for the protection of children from harm. The submission under Licensing Objectives for (e) states, “There will be no children on site when larger groups are attending” which completely fails to address the issue. It does not state what steps will be taken to protect children from harm when children do attend TOG Farm in ‘less than larger groups’; only that there will be no children when larger groups attend!

The general steps TOG Farm states it will take to meet all four licensing objectives includes the assertion that it currently operates a ‘bring your own’ policy in respect of alcohol. However, there is evidence to suggest that this is not a true statement. I refer to the attached Facebook feedback [Appendix III] on TOG Farm dated 09/11/2021 and specifically the highlighted section suggesting that alcoholic drinks were included in the price.

See also Appendix IV, a capture from TOG Farm's Instagram page showing the indulgence box which includes a bottle of Prosecco. The indulgence box was advertised as part of a romantic getaway [Valentines] for £210 per couple.

This suggests that the application statement of "We currently operate a 'bring your own' policy with alcohol, which will stop immediately if granted a license [*sic*]" is a misleading, if not false, statement.

Finally, the application should not be allowed in consideration of the *We/I-being of Future Generations (Wales) Act 2015*. The application by TOG Farm relates to the historic landscape known as Pentywngwyn Farm which is an agricultural setting in a rural community. TOG Farm is attempting to establish an open-air entertainment venue in the heart of the countryside which has already resulted in substantial nuisance for local residents in relation to unacceptable levels of noise, unacceptable drunken behaviour of participants and the exposure of unacceptable risk to both adults and children attending 'events'.

Finally, I do not mean to be frivolous but the application states that [TOG Farm Ltd] the company's registered address is TOG Farm, Rudry, Caerphilly, CF83 30G whereas Companies House notes it as The Old Granary, Rudry, Caerphilly, CF83 30G.

I trust you will take the above issues into account when considering this application.

Yours sincerely

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

APPENDIX I

10th November 2021

Planning Application: 21/0972/RET
TOG Farm Ltd - The Old Granary, Pentwynwyn Road, Rudry, CF83 3DG

Dear Mr Cooke

I am the Chair of the Draethen, Waterloo and Rudry Community Council's Planning & Environment Committee but as my findings and recommendations have not been presented to Council for any resolution due to the shortness of time and the [pre-set] timing of meetings, I make these comments as a community councillor; they are not ratified nor endorsed by the Members of DWR Community Council at this time but informal discussions have been had with Members who also received complaints and this application will be put forward to Council at our next meeting in November.

The application generally describes the proposed change of use for the purpose of 'seasonal tourism' by way of 'tourist accommodation' and makes no mention of the historical events such as 'hen' and 'stag' nights, weddings, engagement parties, birthday parties, date nights, movie nights, live music [festivals] events, birthday parties and other large social gatherings – as advertised on TOG Farm's various media outlets. The application appears to misrepresent the reality of the existing and proposed business inasmuch as it purports to be little more than camping/glamping.

TOG Farm has, for over a year, delivered what can only be described as entertainment events on the land. As a result of these events, I and other community councillors have received a great many complaints regarding the noise, general disturbance and anti-social behaviour which have occurred. On more than occasion, this has resulted in Police attending the site in response to complaints and also the issue of a Noise Abatement Order.

The site is traditional farmland located in a very rural environment on the outskirts of Rudry village within a designated Special Landscape Area (SLA). The area accords with the expected 'peace and tranquillity' of the countryside which is at odds with the outcomes of TOG Farm's activities to date.

The proposal also pronounces the expectation to '*provide visitors with a [more] comprehensive countryside experience*' yet the reality of the past year [the referred to 'trial run'] is far from that and more akin to an urban based [open air] nightclub, which is entirely inappropriate in a 'countryside' setting.

The proposal avers that the 'trial run' carried out under Permitted Development demonstrates that "*there is continued growth and popularity for this type of vacation*"; but the word 'vacation' is misleading, as is the reference to 'tourism' inasmuch as the events carried out under the 'trial run' were clearly entertainment events and had little or nothing to do with tourism or vacations.

Policy CW2 Amenity: The proposed change of use will inevitably have an unacceptable impact on adjacent properties and the land in question.

Access

The Site Plan Entrance and Service Area plan (PA-04) fails to show directly impacted properties/residences. Aside from The Old Granary, there are two further dwellings which use the shared drive/access: Badgerswood Barn and Pentwyngwyn Farm. The driveway is also access for the owner of land adjacent to the site [the site being within Title CYM186458].

The driveway is accessed from a sharp bend on Pentwyngwyn Road (a single-track rural lane) with obstructed vision and is not appropriate for increased traffic which will result from the proposed change of use. The proposal does not meet the requirements of Policy CW3.

The Block Plan, Bell Tent Siting shows that access to the most north-westerly field is currently marked on land not within the site area [CYM186548] but impeding on land [the disused railway line] owned by a third party, Machen Land Ltd [Title WA641788].

We have also been advised by members of the community that a PROW across the land/site had been blocked or diverted by the erection of fencing and the presence of potentially dangerous cattle:

Ecology

Policy SP10: Without the benefit of an ecological impact assessment report I can only strongly suggest that due to the known nature of land generally in the area and based on the activities undertaken in the so called 'trial run', there would be a detrimental impact in terms of noise and light pollution. Several of the activities/events undertaken in the recent past have involved fireworks and a great deal of [amplified] noise generally. The noise is a considerable issue with the sound of amplified music travelling large distances due to the terrain and open countryside.

There also appears to be an omission on the detail of the 'Meet and Greet' to be located in the Cattle shed/barn. This would seem to be somewhat over the top for the suggested 4 Bell tents and fails to provide any detail on the activity/ies that would be conducted within that and if changes were to be made to the building. I am advised that the building has recently had a residential static caravan installed within it, in addition to the static caravan unlawfully sited in one of the fields and not mentioned in this proposal.

Policy SP9: Waste Management. I am also concerned with the impact in terms of event detritus as evidenced from previous events and noted, for example, in a public complaint from one party-goer published on social media: *"Staff were asked for bin liners for our rubbish on arrival and we were told 'just throw it on the floor', we are not that environmentally irresponsible and we took our rubbish home with us in our bags. We have photos of the clean-up carried out by our friends in the morning of their rubbish."*

Due to the shortness of time, I have been unable to fully research the many issues raised by residents but it is clear to me that this application lacks integrity.

In stating that the proposal would, in its second phase, accommodate up to six bell tents, it fails to mention that the 'trial run' involved up to 10 tents in various locations, along with marquees, gazebos and other structures as evidenced by TOG Farm's own social media. My cynical view is that applying to site 4 bell tents is a means to set up matters on a much larger and more disruptive scale.



The application under the heading 'Movement', states that *"animal well-being is important in relation to the tourist visitors and that both have to be respected and kept apart unless under expert supervision"*.

The following images from TOG Farm media do not demonstrate any such supervision and give cause for concern regarding both animal welfare and visitor ('tourist') safety:





I believe this application lacks credibility and clarity and should be refused. I urge those responsible for considering it to undertake a site visit and obtain the necessary ecological impact assessment reports and further information as noted above.

I am happy to discuss this further with you at any time.

Yours sincerely

APPENDIX II

Myself and my friends had a very similar experience and not only the same regarding the three course meal it was late and freezing, promised a chef to cook the bbq the first night only to be told once pitch black they couldn't and they promised to lay the table they didn't, have our battery charger to the other tent. They said they would do a film night instead and we told them what film, that was ignored and pulp fiction was put on. The best part is that someone left the gas stove on top of the wood burner this exploded and luckily the broken bits did not hurt myself or my friends, so over priced, terrible communication and for glamping a porta loo and no shower is not what glamping is. Totally catfished.

APPENDIX III

What a terrible experience and the worse customer service I've ever witnessed.

We visited Tog farm for a friend's special birthday for a festival themed party. My partner and I paid £40 each to stay until 9pm and have food from a BBQ, which I thought was a bit pricey but as it was a friend's birthday it wasn't a problem. Here is a list of what went wrong:

- no ice or cooler boxes on arrival as promised.
- missing one tent on arrival for those staying, no communication on where they should be staying until someone just turned up and started putting mattress in another tent.
- no music system set up as promised.
- staff were asked for bin liners for our rubbish on arrival and we were told 'just throw it on the floor', we are not that environmentally irresponsible and we took our rubbish home with us in our bags. We have photos of the clean up carried out by our friends in the morning of their rubbish.
- incredibly rude lady dealing with complaint, threatened to ring taxis for us all to leave.
- no lighting as promised.
- no loo roll or hand sanitiser provided in the portaloo for 26 people... in a pandemic!
- the BBQ was 2.5 hours late, served in pitch darkness, luckily we brought snacks.
- we were told we had to leave by 9pm if we were not staying and food was served at 8:30pm.
- food was supposed to be for 26 people, there were 12 burgers. When asked how many burgers were cooked the response was 36, we have a photo of the food, it was 12. People went without food as there wasn't enough and chicken was left on the BBQ unattended and no one returned (have photo).
- welcome drinks promised on arrival for 26 people. 2 bottles of prosecco left on the table with plastic pint glasses. When asked, again really poor customer service, more was bought to the table after asking but no glasses (have photo).
- 3 friends left the site after food due to the bad smell and condition of the sleeping arrangements.
- we were told we had to leave by 9pm so childcare was arranged around this. No one came to take us back to the car until 9:40pm.
- we were picked up by a 4x4 which had soup all tipped in the foot well, on the seat and all up the window. I had to sit on the edge of the seat not to get covered in it. When we got out to collect our belongings they had all been thrown in the back of the 4x4 with the bowl of soup (really bizarre) and bags of rubbish. Soup all over our bags.
- we were not there for breakfast but our friends told us it was just as bad as the evening experience.

Things that went well:

- nice balloon display!

I don't usually like leaving bad reviews as I'm a firm supporter of local businesses and giving chances. Due to the lack of response to the original offline complaint, the shocking customer service, the audacity to respond to other friends reviews with pure lies, even when photos have been provided as evidence, the fact my friends birthday was ruined and the fact that I don't want anyone else's hard earned cash being wasted, has pushed me to leave an honest review on what I observed and experienced. This company is very quickly gathering a local reputation of being really poor, which is such a shame as it has so much potential.

APPENDIX IV



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From: Redacted email
Sent: 31 March 2022 16:57
To: Morgan, Lee <MORGAL16@CAERPHILLY.GOV.UK>
Subject: Alcohol Licence for Tog Farm, Rudry, Caerphilly

Hello,

Please see my representation below regarding the recent application for an alcohol Licence for Tog Farm.

My objection is not personal, I wish the family of Tog Farm well.

Since they started organising parties and events on their land from April 2021 , there has been some disruption for me unfortunately during the spring and summer months.

The biggest concern has been the number of amplified live bands/singers and general music that was being played. It was mainly on weekends yet there was still noise from other parties held in the week. A noise abatement order was served towards the end of last year. The noise affected my home and especially in the busier summer months, I kept hearing loud music in my garden, also from indoors. I could hear screaming, shouting, voices carrying over. Some of the times were in the early hours.

Therefore, if an alcohol licence is granted for up to 10 people, knowing the groups and the amount of guests they had, I don't trust they would have small numbers and this is going to be far worse than last year. You can see from the images posted on social media the scale of the parties they were holding. I have sent all the images in my previous objection.

I have had gangs of people in cars, knocking my door asking for directions when my lane is a private, access only lane. Therefore, I don't like the idea or risk of potentially drunk people making their way outside of Tog Farm's parameters. I have a family to look after and from my experience of the nuisance noise last year, it could get worse.

What concerns me if this licence is approved, is that the events wouldn't be kept to the proposed and would escalate to larger numbers which would impact further on anyone living around Tog Farm. How would it be monitored for a start?

I request to remain anonymous throughout the process please and wish my representations to be read by a member of your team. I am aware that a neighbour has been intimidated by the applicants in the past and I do not want any disruption for my family.

Thank you

Redacted name

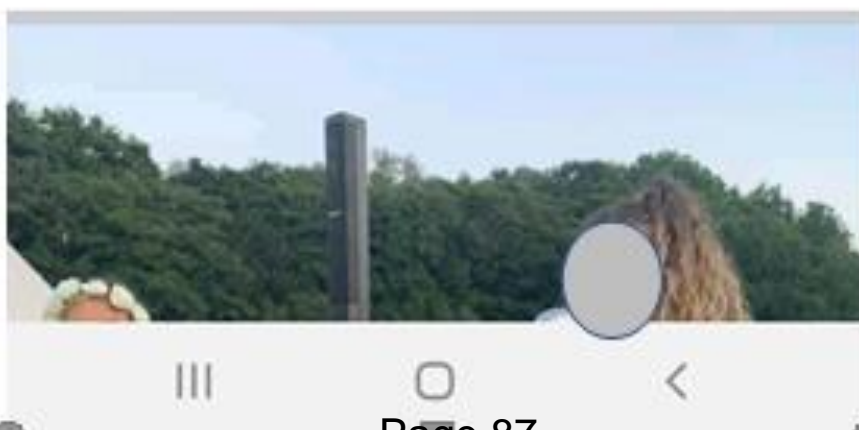




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Like

Comment













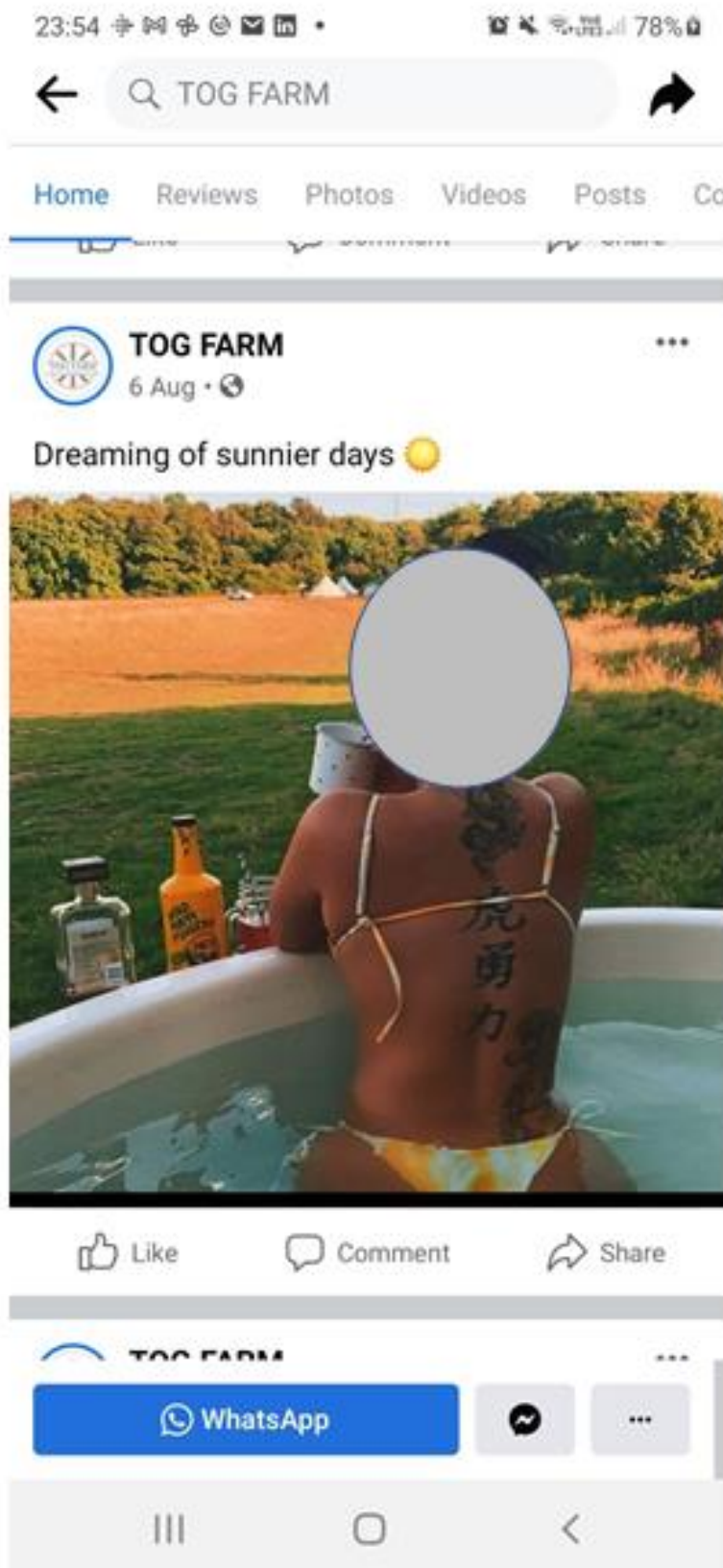










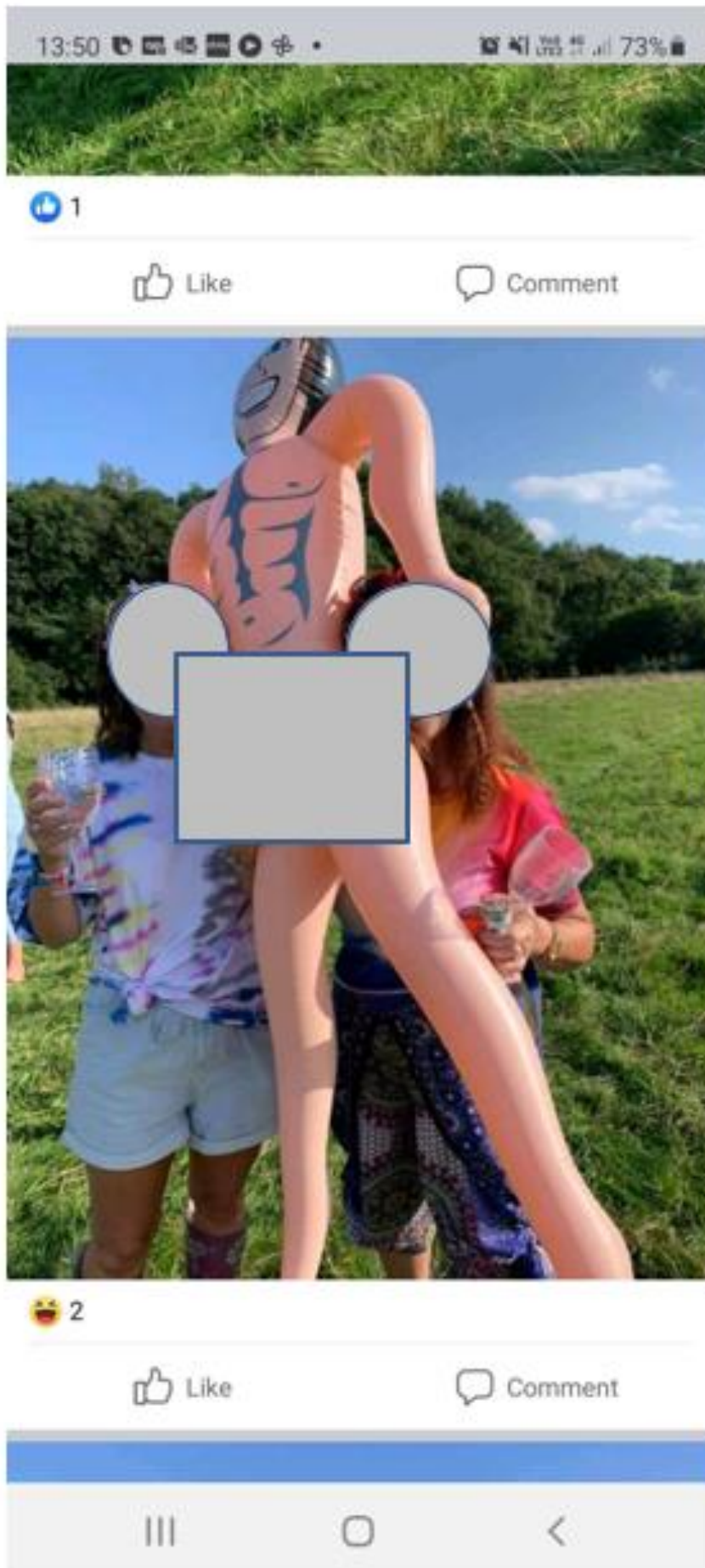












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Pentwyngwyn Farm
Rudry
Caerphilly
CF833DG
30th March 2022

The Licensing Section
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

TOG Farm Ltd
Alcohol / Movie Licence - New Application
Representations Against the Granting of a Licence

Tog Farm is a limited company registered with Companies House (March 2020) being operated from The Old Granary, Rudry, Caerphilly. The company directors are Mr Christopher Lewis and his daughter - Bridget Lewis (registered as Charlotte Lewis with Companies House). The land associated with Tog Farm includes a cattle shed, milking parlour, several rough tracks and fields of established pasture.

I will make my representations against the granting of a licence under the required headings i.e. The Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm. However, some of these areas may overlap and it may be of some use to anyone considering this application to know a little of the background.

Background information.

Since incorporation Tog Farm activities have included glamping / music festivals / hen & stag parties / date nights / hot tub parties / masseuse treatments / birthday parties / wedding parties etc. All have been advertised and already taken place. Guest reviews and posts on Tog Farm social media clearly show that the events have included the sale, distribution and consumption of alcohol, albeit without any relevant alcohol licence. These events and parties have been openly advertised and promoted on the Tog Farm social media websites. Therefore, the events that have already taken place may be deemed a 'trial run' of what is to be expected by neighbours and local residents in the future, if an alcohol licence were to be granted by CCBC and legitimise these events. I believe it is in order, to comment upon such relevant events that have already taken place during this period.

I purchased Pentwyngwyn Farm, Rudry, Caerphilly in 1993. This comprises of the original farmhouse and fields to the south and west. Around the same time the top barn known as Badgerswood Barn was sold to Mr and Mrs Peacock and the bottom barn was sold to Mr and Mrs Lewis - both independently for residential conversion. The bottom barn is now known as **The Old Granary**, from which the name '**TOG**' has been derived. All three properties are in close proximity and utilise a private access way to the dwellings from Pentwyngwyn Road.

Neither Pentwyngwyn Farm nor Badgerswood Barn are mentioned in the alcohol / movie licence application or shown on the associated plan. The alcohol / movie licence application gives a totally false representation of the area that would be affected and the impact that it would have on the local community if granted.

There are serious concerns as to how this particular alcohol / movie licence application was ever validated by CCBC Licensing Department in the first instance due to the many inadequate responses made by the applicant and the lack of any detail on the site plan.

The Prevention of Crime and Disorder

- The applicant does not appear to have any previous experience of running a licensed premises. This is evident from the responses given on the licence application and the submission of the inadequate site plan. It appears that the applicant is applying for a licence for alcohol to be sold on a one acre site called 'The Alders' together with a licence to show movies. The location of the sites are very vague. In effect it appears that alcohol could be purchased and then consumed anywhere over the entire site which runs from Pentwyngwyn Road across fields to Waterloo. It would be impossible to supervise or control such a site. During the previous year's activities which are well documented on Tog Farm's social media, alcohol can clearly be seen to be consumed in many of the fields around the farm. The granting of any alcohol licence would be an attempt to legitimise these currently, unlawful, business activities.
- Tog Farm does not appear to have any business operating schedules from the design of the premises through to the day-to-day running of the business. It is noted that a licence has been applied for which includes every day of the week from 3.00pm to 11:00pm - is this really necessary. Any guests leaving the Tog Farm site late at night are not afforded any safeguards such as proper walkways, direction signs or adequate lighting as a minimum.
- Although in the application it is stated that there is CCTV in operation. Do these systems cover the necessary areas including alcohol sales points and possibly patron searching areas? In the event of any incident is the CCTV easily retrievable if requested by the police or licensing? The applicant states that CCTV is monitored at all times but does not indicate who will be responsible for monitoring or retrieving any relevant footage.
- No consideration appears to have been given to any relevant customer ID policy or whether there will be one in operation or who would be responsible to monitor this.
- No consideration has been given to a clear drug and weapon policy or the procedure to be followed if drugs or weapons are found. Is there any safe and secure storage allocated for any of these items that may be found or seized. Consideration should be given that this is a very large site with possibly different events going on at different locations simultaneously.
- No consideration has been given to any regular, documented training of Tog Farm staff regarding any of the relevant licensing requirements.
- No consideration has been given to whether Tog Farm will have 'a proof of age scheme' or whether the business would utilise 'a challenge 25 policy'.
- No consideration has been given to putting any systems in place to prevent the consumption of alcohol by those under 18 years. By the very nature of a glamping / camping business, families with children are usually present.
- No consideration has been given to the use of plastic or toughened glass for serving of alcohol, especially when consumed around areas with hot tubs, plunge pools and farm animals.
- According to the applicant's own social media posts, TOG Farm consists of around 60 acres of farmland. To date, there are no granted planning permissions for any change of use, away from agriculture. However, it is evident that the business has already operated without any permissions and many events / festivals have already taken place during the previous year.

Therefore, it should be assumed that the applicant will have little regard to any restrictions that may be applied by local authorities.

- The vague free hand sketch submitted by the applicant with the application does not show any nearby residential properties or accurately indicate where the supposed alcohol distribution point is to be sited. 'The Alders' does not appear on any local plan / map and in an emergency the Fire, Police or Ambulance Service would be hard pressed to locate it. Police attended an incident at Tog Farm on 21/09/21 and had difficulty locating it, calling firstly at two neighbouring properties. They then left their police vehicle on the access way and proceeded on foot down the steep track. They were probably unable to access the site without a suitable 4x4 vehicle.
- The glamping / events fields are usually only accessible by suitable 4x4 off-road vehicles, especially during the winter months when the tracks are virtually impassable. Visitors need to be ferried quite some distance to their relevant camping / events sites. This is fully described in complaints/reviews made by previous visitors on the Tog Farm social media sites.
- During 2021 there have been regular events, attracting large groups of disruptive party goers. Weddings / stag / hen / date nights / birthday parties, music festivals, tribute acts, karaoke etc have taken place already at various locations around Tog Farm. These events may be better described as 'rent a field for a party'. The events have now diversified further into advertising the use of 'The Mill' which is in effect the end section of The Old Granary - a residential dwelling with restrictions for 'residential use only'. 'The Mill' now advertises afternoon teas, hen parties and private functions.
- The alcohol licence application indicates that there will only be up to 10 guests. However, this number has already been greatly exceeded during the previous year. This is evidenced on Tog Farm social media / advertising websites with music festivals, tribute acts, weddings etc attracted far in excess of this number.
- The land associated with Tog Farm has Public Rights of Way which run through the fields. The general public would have the right to pass through the site without restriction. The public can enter the events site from both the Waterloo and Rudry areas. This raises obvious concerns regarding the safety and security of the site for visitors as well as walkers using the public footpath. This would be even more relevant if an alcohol licence were to be granted. It would be virtually impossible to police with visitors bringing in their own alcohol as has been admitted by the applicant and has been the case during the previous year
- The applicant states that 'alcohol will be offered with meals, while staying with us on the site, only at designated sites'. The designated sites are not clearly indicated on the 'application plan'. Even though alcohol sales may be made at designated points, that does not prevent alcohol being consumed over the whole site. During the past year different event fields have been used simultaneously for different functions and according to social media reviews alcohol has already been sold / provided and available to guests.
- The applicant states 'by holding a premises licence we will be able to monitor and control the intake of alcohol by our guests. We will reserve the right to refuse alcohol if someone is intoxicated ensuring that all guests and staff are safe. If guests are refused alcohol due to intoxication what happens then? Are they left on site or removed? This would impact on their own safety and the safety of local residents and guests. If any disruptive clients are escorted off site where would they be taken? There doesn't appear to be any effective policy.
- The applicant also states 'We currently operate a bring your own policy with alcohol, which will stop immediately if granted a Licence.' This of course would be virtually impossible to enforce without a proper searching procedure for visitors, vehicles, and luggage etc. Once guests are already intoxicated it would appear too late to refuse the sale of alcohol.

- The Tog Farm site is largely unlit and over the previous year it has been evident that the site has not been properly supervised by staff. Large events with party goers attending hen / stag / festivals etc. have often been rowdy, largely unsupervised involving unregulated drinking and anti-social behaviour. This is exacerbated when visitors leave Tog Farm late at night via a poor, steep, unmade gravel track often to be collected by taxis and minibuses. There is frequently shouting, swearing and anti social behaviour when they leave due to their intoxicated state and the difficulties experienced ascending the steep track to Pentwyngwyn Road.

Public safety

- There are five Great Dane and other dogs kept at Tog Farm. Between them these dogs bark and howl for hours on end triggered by the slightest sound of vehicles or persons approaching. There was a recent incident regarding one of the Tog Farm Great Danes when it was running loose and attacked another dog causing damage when being walked by it's local, young owner. The person who should have been in control is believed to have received a conditional police caution for not being in control of a dangerous dog and *****. Gwent Police would hold full details of this incident. These dogs are obviously not kept under proper control and can often be seen roaming around the farm, following vehicles and mingling with the public. Children visiting Tog Farm as part of school trips have previously been allowed to pet these dogs and until recently CCBC advertised Tog Farm as being a 'dog friendly site' on their website! Due to this incident and the fact that there are dangerous dogs on site the granting of any alcohol / movie licence appears totally inappropriate.
- The applicant states that guests sign a disclaimer prior to booking. This of course may protect Tog Farm and its directors but would be of little use or comfort to their visitors / guests or any other innocent parties in the case of injury or damage caused.
- The business has already been operating for over a year with no planning permission, inadequate safety precautions and lack of controls. I understand that South Wales Fire and Rescue Service would require proper plans and schedules of large events particularly where any regulated entertainment is to be provided. Have any proper plans been provided as it appears the plan provided with the licensing application is totally inadequate? In the event of an emergency on the Tog Farm site the Fire Service would be hard pressed to locate the site let alone get their vehicles onto site, particularly in poor weather conditions. Bearing in mind the site uses several solid fuel hot tubs, fire pits, BBQs, wood stoves inside tents etc. This would greatly increase the risk of grass fires in summer months.
- Any intoxicated guests leaving the venue have to negotiate a very steep unmade track which is unlit and has no designated pedestrian walkways. This leads onto a sharp bend in a country lane - Pentwyngwyn Road. This again is unlit, without any pavements and a 60mph national speed limit. This could be deemed a serious safety hazard. This is the Tog Farm main entrance / exit unless visitors travel across fields via neighbouring land or public rights of way.
- Tog Farm social media events have shown Highland cattle freely mingling with the general public, including young children. Cattle are known to be quite unpredictable especially if they are protecting their calves. Situations such as these, again do not usually fare well with regard to public safety, especially if parents in charge are under the influence of alcohol.
- Activities such as axe throwing, and archery have recently been advertised on Tog Farm social media. It is believed that these activities are not conducive with the sale and supply of alcohol. This also applies to the use of wood fuelled hot tubs, plunge pools, fire pits, bbq's and wood burning stoves.

- Over the last year several separate glamping / events sites have been established in the fields adjoining The Old Granary - different events being carried out simultaneously. Google maps satellite aerial view clearly shows the extent of the campsites last year. These events are not restricted to 'The Alders' as stated on the alcohol application. This makes the sale / consumption of alcohol even more difficult to control and supervise and also raises further public safety concerns.
- There appears inadequate parking for vehicles on site unless guests arrive in a suitable 4 x 4. Last year it has been known for visitors to Tog Farm either to walk along the dangerous unlit lanes or to be ferried back and fore Rudry village having left their vehicles there. This causes additional difficulties for local residents who already experience parking problems in the village.
- According to Tog Farm's own social media, guests are ferried via rough unmade country tracks in their own farm vehicles. This raises further public safety concerns as to whether the public are protected when travelling in these vehicles? Are the vehicles properly insured for these purposes? Do Tog Farm staff transporting their visitors hold appropriate driving licences / insurance to transport members of the public? Have staff received the necessary training to transport members of the public? If a visitor becomes ill or intoxicated is there a suitable procedure to be followed? Is he /she left in a field to fend for themselves? Does a disclaimer signed by a visitor absolve Tog Farm of any or all responsibility?
- The completed application form does not give any details of an Operating Schedule regarding suitable or sufficient risk assessments, effective and responsible management of premises. Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or an event. Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises. The adoption of best practice guidance available from other agencies such as Environmental Health, Fire Safety and Health and Safety Executive. Provision of effective CCTV in and around the premises. Implementation of management measures for festival events. First aid facilities and staff training on when to administer / not administer first aid. Are CCBC Licensing Department confident that all the above items have been considered?

Prevention of Public Nuisance

- Since the incorporation of Tog Farm in March 2020, loud music, karaoke, tribute bands, music festivals, amplified music etc. have detrimentally impacted on the enjoyment of our home and garden. Loud music has also been heard a considerable distance away in neighbouring villages. As a result of numerous complaints of anti-social behaviour a noise abatement order was served by CCBC - Environmental Health Dept.
- Visitors with and without vehicles cause disturbance arriving and leaving the site, often late at night. This usually causes the barking and howling from Tog Farm's numerous dogs. If granted an alcohol licence, it would make matters far worse with the noise of late night revellers, intoxicated with alcohol, triggering the dogs to bark.
- Larger events and weddings were held last summer which resulted in taxis, mini buses, and visitors vehicles frequently obstructing the access way. Vehicles being parked at the top of the access way on the dangerous bend at Pentwyngwyn Road to pick-up guests. There is a warning chevron sign at the top of the access way alerting vehicles to the dangerous bend where a 60mph speed limit applies. Therefore, using this private junction to turn and manoeuvre when picking up intoxicated Tog Farm party goers does not appear appropriate.

- We are frequently disturbed by Tog Farm visitors, parcel delivery drivers and anyone else looking for Tog Farm who are unable to locate it. The granting of any alcohol / movie licence would not improve matters with further trade and deliveries involved.

Protection of Children from Harm

- As shown on TOG Farm social media sites children have been seen to attend many of the events, festivals, parties and many of the events are directly aimed towards children. The granting of an alcohol licence would not be conducive to protecting children from harm. There is scientific research available that shows that introducing children to the influence of alcohol at an early age may have a prolonged detrimental effect. The current trend appears to be moving away from introducing children to the effects of alcohol at an early age
- Children as young as 4 years old have been photographed standing in front of Highland cattle . These photographs were posted on Tog Farm's own social media sites (Oct 21). The granting of any alcohol licence would not improve the safety of children at Tog Farm in these situations. Parents or those responsible for the children would be less able to look after them if they themselves were under the influence of alcohol.
- Wood fired hot tubs may be another hazard for members of the public and their children. There are of course the obvious hazards from burns or drowning if appropriate safety guidelines have not been followed? Alcohol would not increase safety standards.
- Many of the events that have already taken place at Tog Farm are aimed to attract children such as school trips, easter egg hunts, halloween, birthday parties, unicorn tea parties, Santa in the dome etc. I assume that CCBC are satisfied that Tog Farm staff hold the required DBS certificates.
- Is the application for an alcohol licence from 3pm to 11pm Monday - Sunday really necessary, and appropriate? Are CCBC satisfied that Tog Farm is a safe environment for children?
- Has consideration been given as to how children are transported off-road along the rough farm tracks to the events / party fields i.e. are the public properly restrained in suitable vehicles? Is a disclaimer appropriate?
- School trips have previously visited this unauthorised events site, despite not having appropriate toileting facilities. Granting of any alcohol licence from Monday to Sunday 3.00pm to 11.00pm will not improve child safety at this glamping / events site?
- There is no indication as to what type of movies are intended to be shown at Tog Farm. Will there be safeguards / training in place to ensure that children are protected from viewing any inappropriate content? Will the showing of any movies be age related?

The representations made above against the granting of an alcohol and movie licence are not exhaustive. Little thought or effort appears to have been given to the licence application or plan. Throughout the process there has been little regard or consideration given to the negative impact on local residents or the community if a licence were granted. Tog Farm should not be deemed a suitable site for the granting of any alcohol / movie licence for the reasons stated above.

signed:

Harry Smith & Amanda Smith



Caerphilly County Borough Council
Licensing & Permits
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01 April 2022

**Licensing Act 2003 – New Premises Licence
TOG Farm Ltd - The Old Granary, Pentwynngwyn Road, Rudry, CF83 3DG**

Dear Sir/madam

At a Full Council meeting of Draethen, Waterloo and Rudry Community Council on 31st March 2022, Members resolved to lodge an objection to the above application in the following terms:

Based on complaints received by various Members from residents in and around Rudry and Waterloo during 2020-2021, Members are concerned that the granting of the above licence is likely to:

- increase incidents of excessive noise and anti-social behaviour in the vicinity to the detriment of the local community;
- result in increased risk-taking behaviour by visitors to TOG Farm contrary to public safety;
- increase the risk of harm to children.

Members believe these matters raise genuine concerns in the application meeting the four licensing objectives of CCBC's Statement of Licensing Policy dated 17th November 2020.

Yours sincerely

Clerk to the Council & RFO

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Dear Kathryn,

Please accept this as my acknowledgment of all concerns raised by representations regarding TOG Farm's license application, for sale and supply of alcohol and to allow the provision of films.

Firstly I would like to address the general concerns of the volume of guests at TOG Farm. In 2021, myself and my father made the decision to diversify from traditional farming and set up 'TOG Farm', offering glamping stays and activity for guests. With the decline in traditional farming, this decision was made in hope to provide an income for our family.

As with any new business, the first year is full of lessons, mistakes and better understanding of the business, including the sustainability, longevity, and prosperity.

Throughout our first year we held music events, a wedding and had parties of up to 30 guests. Unfortunately, unknowingly to us, these events could be heard by local residents which subsequently has put strain on the relationship between ourselves and the local community. I would like to note that throughout our first year, I personally contacted our local councillor, Jane Garland to discuss our new business, and ask for advise and guidance on rebuilding our relationship with the community whilst running this business. Unfortunately, I have not had any response from the councillor.

Along side the above events, our most popular package was 'Date night in the dome' which was for 2 guests. With this in mind, it became clear that we wanted to have minimum guests for maximum profit. By focussing on smaller parties we are able to ensure a wonderful experience, and control volume and actions of guests and have no impact on our neighbours. In order for this business plan to work, and eliminate large group events, we are seeking to provide movie nights, and offer minimal amounts of alcohol to our couples that stay with us. With this business plan, the maximum guests at any one time will be 15 guests, a dramatic drop in the volume of guests last year.

In response to Richard Jenkins' formal objection, I would like to note that on the two occasions that the police were called for "anti social behaviour", no action was taken by the attending police officers, and no anti social behaviour was witnessed.

In reference to the noise complaints, I refer back to my original point, where our aim is to now have minimal guests. I find this objection from Richard Jenkins to lack any substance, Mr Jenkins claims to have smelt cannabis whilst walking the neighbouring fields, yet there is in excess of 10 residents in the area of new house farm, with his assumption that our guests are consuming drugs with no evidence, other than to smell it more than 250 I can only conclude that this objection is of malicious intent.

With Mr Jenkins' claim of us operating unlawfully, we have been exercising our permitted development rights. With the extension of the permitted development days due to COVID-19, we were able to trial our business and refine our business plan. Since April 2021 we have worked closely with CCBC, ensuring we are taking all relevant steps be compliant.

We have not sold supplied any alcohol, instead operated a 'bring your own' policy, which proved troublesome, thus encouraging the license application in hand.

With the response to the Children Services conditions, we are ,of course, happy to comply with the conditions.

It is imperative that all individuals reviewing this application are aware that we are taking steps to have minimal guests, minimal noise and minimal disruption. Our target market going forward are families, with 4 site locations, with a maximum capacity of 15 guests at one time, although we will rarely meet maximum capacity.

Our application for sale and supply of alcohol is purely to offer guests an alcoholic drink with their meal, or a bottle of champagne for celebration, we will by no means be open for 'walk ins' from the public, as all guests are pre booked.

With the application to allow the provision of films, our intention is to offer couples and families a private cinema experience with a projector and screen.

Sincerely,
Bridget Lewis
TOG Farm

Hi Kathryn

Following my last email , I'd like to also address that the issues raised have previously been reported such as the supply of alcohol, animals with children and our guests.

The officers of the council such as yourself, Victoria Woodland, Jonathan Brooks have worked closely with TOG Farm to ensure we are compliant.

I hope you and the board can understand that from a business point of view, our first year has been full of lessons and learning curbs. All of which we have gone above and beyond to work with the council and local authorities to rectify.

I'd also like to note, again, that I have personally reached out to our community councillors to no avail. Yet they have objected to our premises license with no consultations with ourself.

I hope that yourself and those making the decision on our application can see that the points raised are based on past events, TOG Farm surely can't be penalised for actions we are trying to move away from.

In regards to our farm being a historical point of interest, I would like to note that The Viaduct in Waterloo, which is considered as a historical landmark, had been granted a premises license and working unlawfully for some time with no change of use. I'm curious as to weather this has generated such strong objections, or weather it is a personal issue with myself.

I hope this clears up any issues

Thanks
Bridget

Hi Kathryn,

I feel my initial statement covers the concerns raised.

In regards to the photographs attached, as you are away we have since changed the set up of the field. Not allowing any livestock to enter the fields in which guests are.

The photograph attached in the wheelbarrow is of my son, which I took. Although I appreciate residents can object against our applications, I will not not be subject to comments against my child or how I raise my child.

Again, I think it's imperative representatives understand what we are trying to get away from the events of last year.

Wether the license is granted or not we are still able to hold events under our permitted development rights. I fear that residents are missing the point of the application and the outcome from it.

Regards
Bridget

Hi Kathryn

Apologies for sending several messages , I'm finding some of the objections quite unsettling. Although I appreciate some concerns ie noise from last years events , some of the comments are completely slanderous and untrue.

I have noted said comments below:

We have intimidated a member of the public

This is completely untrue, we have no so much as spoken to any residents about TOG Farm. Despite receiving threatening phone calls from locals , we have never responded and have only ever been polite.

Dogs have attacked members of the public

You've met the dogs we have on site I don't feel I need to expand on the temperament of my dogs

We use a flat bed truck to transport guests

We don't own a flatbed lorry, all guests are taken down in either our Range Rover, Mitsubishi Shogun or L200. All vehicles are fully taxes and MOT'd.

We provide buckets as toilets for guests

We use compost toilets which are cleaned regularly

Some of these comments seem a desperate attempt to sabotage our business.

Although there has been 2 police visits, no action was taken, the officers actually found it laughable that they had been called out.

I'm regards to Resident F "G Bodley", I can only assume this objection to be malicious as they were asked to leave the farm following years of horse livery in order to start TOG Farm. Unfortunately they did not take our decision to diversify well.

I'd also like to point out that on Barbara Jones' objection, she points out that she has not actually visited the site herself. Her objection is based on hearsay, with no substance.

It has come to no surprise to me to hear of these objections.

Thanks
Bridget

Hi both,

I have been advised by our solicitors to request that legal advice from the council department is sought prior to the hearing, for the following reasons.

The below comments from Mr & Mrs Smith are incorrect and untrue beyond any reasonable doubt:

- 'Bridget Lewis is listed as Charlotte Lewis on companies house'
Companies house requires your full name as appears on birth certificate / driving license, Bridget's full name is BRIDGET GEORGINA CHARLOTTE LEWIS.

- 'Abuse *****'

This comment of defamation is untrue. The owners of TOG Farm have given permission for all police records of any persons working / associated with TOG Farm to be reviewed.

- 'Noise pollution from dogs'

Previously Mr and Mrs Smith were reported for their dog being a noise nuisance. The local council investigated and deemed the dog to be considered a nuisance and relevant action was taken. The dog was removed from the property.

Following this Mr and Mrs Smith reported Mr and Mrs Lewis of the same disturbance of noise nuisance from the dogs.

This was investigated, yet no action was taken by the council as they were not deemed a nuisance.

All of this information should be available to you via the relevant council departments

- 'Several muddy tracks'

As per the land registry you will see there is one farm track

With the above in mind, it is evident that Mr and Mrs Smiths objections are absolutely fabricated, and hold no substance.

It is clear to anyone that this is a neighbourly dispute in which Mr and Mrs Smith are using a sabotage not only my clients business, but their personal reputations.

If legal action cannot be sought prior to the date of the hearing, I suggest that Mr and Mrs Smith are requested to review their objection and submit one of truth.

Regards
Bridget

From: Bridget Lewis <info@togfarm.co.uk>
Sent: 08 April 2022 10:05
To: Pugh, Dean <PUGHHD1@CAERPHILLY.GOV.UK>
Subject: Tog farm

Hi Dean ,

Following your visit we have began to full in the ruts that pose a health and safety risk.
I hope you can appreciate our efforts to rectify this as a matter of urgency , but understand it is both costly and timely l and unfortunately not a quick fix.
I've attached photos of the areas we have made a start on

Thanks
Bridget







1. 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.
2. 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.
3. 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.
4. No person apparently under the age of eighteen years shall be admitted to any exhibition at which there is to be shown any film, which has received, a '18' certificate from the British Board of Film Classification. In such circumstances a "Challenge 25" policy should be adhered to and valid proof of age required before admittance.
5. No person apparently under the age of fifteen years shall be admitted to any exhibition at which there is to be shown any film which has received a '15' certificate from the British Board of Film Classification.
6. No person apparently under the age of twelve years shall be admitted to any exhibition at which there is to be shown any film, which has received a '12A' certificate from the British Board of Film Classification unless accompanied by an adult.
7. The condition of the surface to the track between the licensable areas is proactively monitored and maintained in a suitable condition thereafter.
8. Guests must be transported safely between the licensable areas in suitable enclosed vehicles. Guests must not be transported in a trailer behind an all-terrain vehicle (ATV). Guests should not sit astride an ATV.
9. The track between the licensable areas and the camping area should be kept free of farm livestock at all times.
10. Arrangements should be made for guests to be transported in a suitable vehicle from the camping area in the event of an emergency overnight.
11. The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food, food wrappings, drinks containers, smoking related litter etc. by camping guests.
12. Alcohol must be consumed in the 2nd licensable area (camping area) from poly carbonate glasses. This area should remain free from glass. Once alcohol is

decanted guests must be encouraged to dispose of the bottles in the waste receptacles provided.

13. Suitable hand washing facilities and signage must be provided adjacent to the 1st licensable area (horsebox, point of sale of alcohol). Guests may be tempted to pet animals in the adjacent paddock.
14. Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 08:00-23:00.
15. The premises licence holder shall take all reasonable steps to ensure that patrons using any outside areas do so in a quiet and orderly fashion.
16. The manager, licence holder or other competent person shall carry out observations at the boundary perimeter during the periods of regulated 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 noise shall be reduced to a level that does not cause disturbance.
17. Monitoring of the licensable areas will be undertaken at hourly intervals to ensure the promotion of the licensing objections and the avoidance of anti social behaviour etc.,
18. The use of CCTV shall cover the licensable area where the supply of alcohol takes place, continually record when licensable activity takes place and shall be maintained in good working order.
19. 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;
20. If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified; The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a Constable;
21. The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in anycase 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. Records shall be kept for a period of 12 months.

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