



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
MONDAY, 17TH JULY 2017 AT 10.00 A.M.

PRESENT:

Councillors:

M. Davies, Ms J. Gale, Mrs D. Price

Together with:

K. Hopkins (Senior Licensing Administrator), R. Furmage (Licensing Administrator),
T. Rawson (Solicitor), S. Mock (Solicitor), R. Barrett (Committee Services Officer)

Representing Responsible Authorities

Mr C. Morgan (Fair Trading Officer)

Representing the Applicant (Pontymister and Crosskeys Cricket Club)

Mr C. Jones (Treasurer), Mr A. Baldwin (Bar Manager) and Mr J. Baker (Committee Member)

Representing Other Persons

Mr K. Williams (Local Resident)

1. ELECTION OF CHAIR

The Legal Advisor advised the Sub Committee that due to the unavailability of both the Chair and Vice-Chair for this meeting, they needed to elect a Member to preside as acting Chair. The Sub Committee unanimously voted to elect Councillor Mrs D. Price to preside as Chair for the duration of the meeting.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

4. APPLICATION FOR A NEW CLUB PREMISES CERTIFICATE IN RESPECT OF PONTYMISTER AND CROSSKEYS CRICKET CLUB, FIELDS ROAD, PONTYMISTER

The Chair opened the meeting and introductions were made.

The Legal Advisor to the Sub Committee outlined the procedure for the meeting and reported that Members had previously familiarised themselves with the report of the Licensing Officer, the club premises certificate application and supporting documentation, together with the written representations of the Licensing Responsible Authority and from a local resident who was objecting to the application.

Mrs Kathryn Hopkins (Senior Licensing Administrator) presented the report and outlined the application submitted by Pontymister and Crosskeys Cricket Club for a new club premises certificate, with the proposed operating hours as follows:-

Supply of Alcohol

- Monday to Friday inclusive 13.00 to 23.00
- Saturday to Sunday 12.00 to 23.00

Provision of the following Regulated Entertainment: Films, Indoor Sporting Event, Live Music and Recorded Music

- Monday to Friday 13.00 to 23.00
- Saturday to Sunday 12.00 to 23.00

It was noted that the above hours include non-standard timings (from the end of permitted hours on New Years Eve to 01.00 the following day).

The Sub Committee were advised that the cricket club shares a building with the local bowls club. The two clubs previously held a joint club premises certificate and were known as the Pontymister Cricket and Bowling Club. However, they are now operating separately and as a result the cricket club wished to apply for their own club premises certificate, having obtained several Temporary Event Notices to cover licensable events in the interim period.

The Senior Licensing Administrator referred to the proposals within the applicant's operating schedule as set out in paragraph 5 of the report which related to the promotion of the four licensing objectives. Also included in the meeting papers was the Council's Model Pool of Conditions, which can assist applicants in determining those steps that they consider are appropriate for the promotion of the licensing objectives in relation to their specific premises.

Members were referred to the representations received in relation to the application from a Responsible Authority (the Licensing Authority) and from Other Persons (a local resident) that were set out in paragraph 6 of the Licensing Officer's report. Copies of the representations were attached to the report that was circulated with the agenda.

Attention was then drawn to the local policy considerations as set out in paragraph 7 of the report and to the way in which the Sub Committee would deal with the application. It was explained that the Sub Committee must have regard to all the representations made and to the evidence heard. It must take such steps as is considered necessary for the promotion of the licensing objectives and could:-

- Grant the application subject to any additional conditions specified in the operating schedule and, if appropriate, any mandatory conditions;
- Modify the conditions of the licence by altering, omitting or adding to them;
- Reject the whole or part of the application.

All parties present were afforded the opportunity to ask questions and representations were then invited from the Responsible Authority.

Mr Christopher Morgan, Fair Trading Officer (representing the Licensing Authority) explained that the representations related to the licensing objectives for the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm. The Licensing Authority objected to the application in its current form for the provision of “off-sales” (sale of alcohol for consumption off the premises). They had concerns that this could result in proxy sales to under-18s and could also result in safety issues relating to glass bottles and cans being deposited around the cricket pitch and adjacent park.

It was noted that the club had applied for “off-sales” to allow for alcohol consumption around the outside perimeter of the clubhouse next to the cricket pitch. Since the application was submitted, Mr Morgan had made the applicant aware that an “off sales” licence is not required for this area, since it forms part of the premises and would be covered under the club premises certificate. The applicant had subsequently indicated that he was willing to withdraw the “off-sales” application. Should this amendment be confirmed, then the Licensing Authority would ask for their formal representations to be withdrawn.

All parties present were afforded the opportunity to ask questions and representations were then invited from interested parties.

Mr Karl Williams (a local resident) referred to his written objections to the application as included in the meeting papers, which outlined instances of noise nuisance and anti-social behaviour arising from events held at the club. He queried why the Licensing Officer’s report did not mention that he lives above the cricket club. The Senior Licensing Administrator explained that members of the public are asked if they want their personal information to be redacted before their written representations are published and that Mr Williams’ name and address had been redacted accordingly.

Mr Williams was asked to elaborate on the source of the noise nuisance and explained that this is mainly due to children shouting or screaming whilst playing in the club grounds and nearby park. This usually continues into the late evening (until around 10pm-11pm) whilst their parents attend club functions. Mr Williams confirmed that although he had complained to the club management, it had been suggested that it was difficult to prove noise nuisance without written evidence. He accepted that there had perhaps been a lack of communication between himself and the club, but expressed a need for the noise to cease and for the parents to have greater regard for their children’s conduct whilst attending events at the club.

Representations were then invited from the applicant, Mr Chris Jones (Treasurer). He explained that the club had not received any complaints from Mr Williams in the last two years, although noise issues had been discussed during a meeting with the Council in 2016. He described the formal merger with Crosskeys Cricket Club in January 2016, which saw a new committee being established at that time. He explained that since then, the club had introduced several new procedures, including strict entry rules, CCTV installation, a Challenge 25 policy, restrictions on the use of glass drinking vessels, regular noise monitoring recordings, and regular litter checks.

Mr Jones referred to littering issues around the cricket club, and following agreement from all parties, he tabled photographs which showed overflowing bins in Fields Road Park. Mr Jones explained that although this litter is being attributed to the cricket club, the club does not sell the majority of products that end up in the bin, and that this rubbish is mainly due to other parties using the park on weekends. Discussion took place on this matter and it was established that the bins are emptied on Thursdays and fill up again by the weekend.

Mr Jones also referred to five letters he had received from local residents in support of the application, and with the agreement of all parties, these were tabled at the meeting. The Sub Committee were also advised of the annual fees payable by the club, and Mr Jones explained that the club’s only means of revenue is to operate the bar in order to raise this money.

Discussion took place regarding the “off-sales” provision applied for by the club. Mr Jones explained that there had been a misunderstanding during the application process, in that the club were only looking to set up outdoor tables along the clubhouse boundary for drinking purposes. He confirmed that it was not the club’s intention to sell alcohol for consumption off the premises and therefore they had withdrawn that aspect of the application.

The cricket club representatives were asked whether they wished to respond to the noise issues raised by Mr Williams. Mr Anthony Baldwin (Bar Manager) explained that with the aid of a smartphone sound measurement app, he takes regular noise level readings when events are being held at the club. He confirmed that readings have been taken directly below Mr Williams’ window, with the highest reading being 40-50 decibels, and that if the threshold of 80 decibels were to be exceeded, then the club would turn the music down. It was confirmed that all doors and windows are kept closed at the premises and that the only time sound escapes is when someone exits the building. Mr Jones added that if Mr Williams were to raise the issue again, then the club would address his complaint more thoroughly next time.

Mr Baldwin also explained that young people congregate at the nearby park to drink and play loud music but stated that this is a public area over which the club has no control. The club had reported the matter to the Council, who had advised that the issue would be passed to the police and community safety wardens. However the problem was still ongoing.

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

Mr Jones confirmed that the club were content to withdraw the “off-sales” provision and that they were willing to work with Mr Williams regarding any future issues he may have. Mr Williams indicated that he would be happy with this arrangement.

The Sub Committee retired at 10.36 a.m. to make its decision.

The meeting reconvened at 11.02 a.m. and the Legal Advisor informed all parties present that having regard to the Licensing Officer’s report and all the representations made, the Licensing and Gambling Sub Committee unanimously RESOLVED that the application for a new club premises certificate in respect of Pontymister and Crosskeys Cricket Club, Fields Road, Pontymister, be granted.

In making its decision, the Sub Committee were of the view that the cricket club’s committee had demonstrated that they take their responsibilities as a licence holder seriously. The Sub Committee held that the licence conditions are currently adequate to deal with Mr Williams’ concerns and it is now evident that the applicant is aware of those concerns. The club premises certificate was therefore granted, subject to it being noted that the ability to sell alcohol for consumption off the premises had been withdrawn from the application. The Sub Committee also reiterated to the club and Mr Williams that they should work together to resolve any problems that might arise in the future.

The Legal Advisor informed all parties present that any person aggrieved by the decision had 21 days from written notification of the decision to appeal to the local Magistrates Court.

The meeting closed at 11.05 a.m.

CHAIR