



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 23RD JANUARY 2018 AT 10.00 A.M.

PRESENT:

Councillor D.W.R. Preece - Chair

Councillors:

R. Whiting, J. Ridgewell

Together with:

K. Hopkins (Senior Licensing Administrator), L. Morgan (Licensing Manager), J. Williams (Solicitor) and C. Evans (Committee Services Officer)

Representing Responsible Authorities

G. Mumford (District Environmental Health Officer), C. Morgan (Fair Trading Officer)

Representing the Applicant (Oakdale RFC)

Mr J. Baldwin (Treasurer) and Mr S. Lewis

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

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

**3. APPLICATION FOR A NEW PREMISES LICENCE IN RESPECT OF OAKDALE RFC,
12 CENTRAL BUILDINGS, OAKDALE, BLACKWOOD, NP12 0LR**

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 new premises licence application and supporting documentation, together with the written representations received from the Licensing Officer Environmental Health Officer, as Responsible Authorities 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 Oakdale RFC for a new premises licence, with the proposed operating hours as follows:-

Supply of Alcohol

- Monday to Thursday inclusive 12.00 to 01.00.
- Friday 12.00 to 02.00.
- Saturday 11.00 to 02.00.
- Sunday 11.00 to 01.00.

Non Standard timings including bank holidays, Xmas Eve and other ad hoc events between 07.30 to 03.00.

Live Music

- Monday – Sunday, inclusive 12.00 to 00.00.

Non Standard timings for New Years Eve, Xmas Eve, Boxing Day and Weekends preceding a bank holiday between 12.00 to 01.00. Outside music between May to September between 15.00 to 22.00.

Recorded Music

- Monday – Thursday, included 12.00 to 01.00.
- Friday 12.00 to 02.00.
- Saturday 11.00 to 02.00.
- Sunday 11.00 to 01.00.

Non Standard timings for New Years Eve, Boxing Day, weekends preceding bank holiday and broadcast of live sporting events from 07.30 to 03.00.

Outside music between May to September between 12.00 to 22.00.

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.

Late Night Refreshment

- Monday – Thursday, inclusive 23.00 to 01.00.
- Friday and Saturday 23.00 to 02.00.
- Sunday 23.00 to 01.00.

Plays and Films

- Monday – Sunday, inclusive 12.00 to 0.00.

The Senior Licensing Administrator referred to the proposals within the applicant's operating schedule as set out in paragraph 1.3.1 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 the application to the application from a Responsible Authority (Environmental Health Officers and the Licensing Authority) and from Other Persons (a local resident) that were set out in paragraph 1.6 of the Licensing Officer's report. Copies of the representations were attached to the report and the representations from a local resident were read out at the meeting.

Attention was then drawn to the local policy considerations as set out in paragraph 1.8 of the report and 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 G. Mumford (Environmental Health Officer – Pollution Team) explained that, having consideration for the application had no objections, however expressed concerns for public nuisance. As a result, conditions had been stipulated, which was agreed by the applicant to restrict the use of the outside area (beer garden), noise management and restriction on consumption of alcohol to the front of the premise.

Mr C Morgan the Licensing Officer confirmed that, having consideration for the application there were no objections, but proposed a number of conditions relevant to the prevention of public nuisance licensing objective. As a result of these representations, the applicant agreed that all licensable activities would cease at 23.00, this also applying to non-standard timings.

The Committee were asked to consider the representations made by a Resident, who maintains her objections to the application, citing noise from both live and recorded music and patrons arising from the premises. Clarification was sought from the resident whether the conditions imposed by the Responsible Authorities would satisfy her concerns. However the resident maintained her objection, advising officers that granting the application would increase the hours of licensable activities compared to the existing Club Premises Certificate held at Oakdale Rugby Football Club.

It was noted that the comments of the resident in respect of noise nuisance have been passed to the Environmental Health Officer to be monitored and investigate as appropriate. Whilst the resident makes reference to complaints to the Council's out of hour's service concerning noise, records held indicate that the last recorded complaint from the resident in respect of noise was June 2014.

The Committee noted that the applicant has responded to the proposed conditions requested by Environmental Health and the Licensing Officer and has accepted all conditions, however, to date the applicant has not responded to the concerns raised by the resident.

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

It was noted that the resident is housebound and has therefore requested that her objections be read out at the Committee. Mrs Hopkins read out the representation, the concerns for which were based on "Loud Music from disco can be heard in my bedroom all night (Prevention of Public Nuisance)" and stated that "Both loud recorded and live music mainly on the weekends can be clearly heard both in my living room and bedroom all night.

Patrons also drink and smoke at the front entrance and the pub noise/music escaping from the premises because the doors are left open."

The applicant was afforded the opportunity to respond to the concerns and acknowledged that there is often live music at the premises, and that there has recently been an issue with glasses left outside. Checks have been conducted in relation to the noise levels being above the legal limit and recommendations have been made by Environmental Health to keep windows closed. The Committee were also asked to note that there have been no other representations made from other residents within the same premises.

The applicant also provided an update on the CCTV cameras. It was noted that 16 cameras

were ordered, 4 have been received and the rest are pending. Assurances were given that these are being chased as it is pertinent to the Licence to have them in place as per the conditions. Officers requested that the applicant notify the Authority when they are in place.

The Chair sought assurance that, in respect of the music levels and restricted use of the Beer garden would be strictly monitored. The applicant stipulated that all conditions had been agreed and they would be closely monitored by Environmental Health Officers.

The Sub Committee retired at 10.12 am to make its decision. The Legal Advisor informed all present that the Committee would retire to consider the points raised at the meeting and all parties will be informed in writing of the decision.

The decision of the Licensing Committee in respect of the application for a Premises Licence at Oakdale RFC is that the licence is granted with the following conditions incorporated into it, SA01, SA02, SA06, TR01, TR02, CC01, CC04, DA02, CE01, CE02, DC05, FA01, GS01, GS26, GS16, GS17, GS19, GS20, GS21, GS23, GS25, GS29, GB01, NP02, NP28, NP61, PS04 and CV04 (full wording of these conditions can be found at Annex 6 of the Council's Statement of Licensing Policy).

The Committee have listened very carefully to all representations made and read very carefully all of the written representations received.

The Committee have considered very carefully the Licensing Act 2003, the Home Office Guidance issued under s.182 and Caerphilly's Licensing Policy.

The reasons for the Committee's decisions are that the conditions of the licence ensure that the licensing objectives set out in the Licensing Act 2003 (as set out above) are promoted, and taking into account national guidance, Caerphilly's Licensing Policy and the written representation of a local resident, there were no reasonable grounds upon which the proposed licence could be refused.

Any persons aggrieved by this decision has 21 days from the date of written notification of the decision to appeal to the local Magistrates Court.

The meeting closed at 10.15 a.m.

CHAIR