



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
THURSDAY, 11TH OCTOBER 2018 AT 3.00 PM

PRESENT

Councillor D.W.R. Preece - Chair

Councillors:

W. David, D.C. Harse

Together with:

L. Morgan (Licensing Manager), K. Hopkins (Senior Licensing Officer), J. Thomas (Licensing Officer), S. Mock (Solicitor), R. Barrett (Committee Services Officer)

Representing the Licensing Authority

A. Dicks (Assistant Licensing Manager)

Representing the Applicant

Ms H. Dent (Applicant) and Ms J.A. Johnson

Representing Other Persons

Mr G. Champion and Ms P. Hopkins (Tabernacle Baptist Church, Newbridge)

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 THE COFFEE VAULT, BANK CHAMBERS, HIGH STREET NEWBRIDGE

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 premises application and supporting documentation, together with the written representations of Responsible Authorities, and from local residents (as defined as Other Persons in accordance with the Licensing Act 2003) who were objecting to the application.

Mrs Kathryn Hopkins (Senior Licensing Officer) presented the report and outlined the application submitted by the Coffee Vault, High Street, Newbridge, for a new premises licence which sought to permit the following licensable activities:-

Supply of Alcohol

- Monday to Sunday inclusive 11.30 to 23.00

The Sub Committee were referred to the representations received in relation to the application and it was noted that the responses from the Police, Trading Standards and Child Protection indicated they did not wish to make representations in respect of the application. Members were also referred to the representations received from a Responsible Authority (Licensing Authority) and from Other Persons (from a local resident and the Tabernacle Baptist Church) as set out in the Licensing Officer's report. Copies of the representations were attached to the report that was circulated with the agenda.

Attention was drawn to the local policy considerations and national guidance as set out in 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, and take such steps as is considered necessary for the promotion of the licensing objectives.

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

Mrs Annette Dicks (Assistant Licensing Manager) explained that the representation from the Licensing Authority related to the Prevention of Public Nuisance Licensing Objective, and suggested the placing of a notice reminding customers to leave the premises quietly due to its location within the town centre. She confirmed that the applicant was agreeable to the condition and that it be added to the operating schedule should the licence be granted.

All parties were afforded the opportunity to ask questions and the Chair queried whether representations had been received from the Fire and Rescue Service. It was confirmed that all Responsible Authorities had been sent copies of the application and that the Fire and Rescue Service had not responded. The Chair sought clarification on the location of the emergency exits at the premises and it was confirmed that this had been included in the premises plan contained within the agenda papers. The Chair also queried whether provision had been made for a smoking area, and Licensing Officers explained that this is not a licensable activity. The applicant (Ms Helen Dent) confirmed that there was no designated smoking area at the premises and that there is a fire escape at the premises.

Representations were then invited from Other Persons.

Mr Geoff Champion (Tabernacle Baptist Church) referred to the representation from the Church comprising a letter of objection to the application and a petition signed by local residents. He explained that the Church fully supports local businesses but that it was felt that the granting of the application would have a detrimental impact on Newbridge Town Centre. He explained that the area in the vicinity of the Calzaghe Bridge and Coffee Vault regularly experiences anti-social behaviour (particularly alcohol misuse) and that the area had been the subject of a Gwent Police Dispersal Order in August 2016. He suggested that since that time, anti-social behaviour had extended to the nearby Riverside Walk and vandalism at the local cricket club, and that the grant of the licence would only add to the existing problems. He also feared that the availability of alcohol at the premises from 11.30am would lead to children and their parents encountering intoxicated individuals. In closing, Mr Champion reiterated the Church's longstanding record of support for local traders and freedom of choice but outlined the serious concerns regarding the application in view of the existing anti-social behaviour in the town centre and the detrimental impact it could bring about for Newbridge.

All parties present were afforded the opportunity to ask questions and the Chair referred to the lack of police representations and the lack of evidence included in the papers in relation to anti-social behaviour and the Dispersal Order in 2016. He also highlighted that one petition signatory was from Cwmbran and therefore not a local resident. Mr Champion explained that this signatory is a church parishioner with concerns regarding the application. He added that the areas of Newbridge experiencing anti-social behaviour are in very close proximity to the premises (around 20 metres). Therefore he felt that granting the premises licence would exacerbate these existing problems.

The applicant, Ms Helen Dent, explained that the Coffee Vault had been made aware of groups of young people congregating outside the premises in the evening to access the free Wi-fi connection from the premises. This is now turned off in the evenings and had resulted in dispersal of the groups. She added that there is also CCTV on the premises.

The Chair sought clarification on the Dispersal Order and the anti-social behaviour referenced by the Church. Mr Champion explained that Gwent Police had been made aware of the problems and he expressed concern that the availability of alcohol at the Coffee Vault could add to these problems. Ms Dent explained that she regularly attends local partnership meetings and that it was not her intention to cause any problems in the area. She explained that the application was intended to allow customers to have a glass of wine with their meal if they so wished, and she emphasised that the premises would operate a Challenge 25 policy and would not be serving children with alcohol.

Ms Pamela Hopkins (Tabernacle Baptist Church) asked if alcohol supply at the premises could be restricted to on-sales only. Ms Dent stated that she had no intention to sell alcohol for consumption off the premises. Ms Hopkins explained that she would prefer the supply of alcohol to be restricted to the evening and referenced the problems with teenagers congregating around the Calzaghe Bridge. She expressed a need for Newbridge to be kept as a safe place for children and to have regard for the wellbeing of future generations. She emphasised that the Church had no objection to the Coffee Vault itself.

Ms Dent confirmed that she would be amenable to not selling alcohol during school hours if this was felt to be the best approach, and reiterated that she had no intention of causing any problems in the area. Discussion took place in relation to on-sales and off-sales and the Tabernacle representatives explained that they had concerns because both on and off premises sales had been included on the application, and therefore had interpreted the application as wishing to sell alcohol for consumption off the premises as well. Ms Dent confirmed that the application was to allow the Coffee Vault to serve a glass of wine or small bottle of wine with a meal if desired. Discussion took place regarding the placing of conditions on the licence and the Licensing Officers provided clarification in this regard.

Representations were then invited from the applicant, Ms Helen Dent.

Ms Dent referred to the conditions offered in her application taken from the model pool of conditions, including the provision and retention of CCTV and operation of the Challenge 25 policy. She added that the premises would not sell sealed bottles or cans and that wine would be available to be served with meals. She explained that she had already approached Gwent Police who held no concerns regarding the application. She explained the Coffee Vault permits teenager customers but that they generally do not frequent the premises, save for popping in to use the toilet facilities. Ms Dent referred to the availability of alcohol across a number of other establishments in Newbridge and explained that her intention is to provide a safe, sociable and happy place in the town where people can meet with their friends for a coffee. In closing, Ms Dent stated that she could not understand why the Church had not approached her regarding their concerns.

All parties were afforded the opportunity to ask questions and Mr Champion explained that the reason why the Church had not approached Ms Dent in advance was because there had been limited time for the Church Board to meet to discuss their concerns before submitting

their representations to the Licensing Section. He also made reference to another coffee shop in Newbridge advertising the availability of alcohol. Licensing Officers offered to discuss the matter further with Mr Champion following the meeting as this was a separate unrelated matter, but explained that this particular situation was because that particular premises had applied for a Temporary Events Notice, which allowed for the supply of alcohol on the premises on specific dates.

In response to a query from the Chair regarding advertisement of the application, the Senior Licensing Officer confirmed that this had been advertised on the premises and in the local paper in accordance with statutory requirements and timescales.

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

The Licensing Manager confirmed that the Sub Committee were being asked to determine a premises application in relation to alcohol sales for consumption for both on and off the premises, and that any grant of the licence would be for both scenarios unless the Sub Committee were minded to amend the application.

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

The Sub Committee retired at 3.50 p.m. to make its decision and all other parties left the meeting.

Following consideration of the application and 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 premises licence in respect of the Coffee Vault, Bank Chambers, High Street, Newbridge, be granted for the sale of alcohol for consumption on the premises only, subject to the conditions contained within paragraph 1.3.1. of the Licensing Officer's report. For ease of reference, these are appended to the minutes. The Sub Committee also imposed a condition that a notice be displayed in the premises to remind customers to leave the premises quietly.

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

The Sub Committee noted the objections raised regarding anti-social behaviour and the concerns that alcohol may be sold to underage children. However, the Sub Committee also noted that there were no objections from the Responsible Authorities who are responsible for the prevention of crime and disorder or protection of children from harm, and Members took the view that the conditions of the licence will promote the Licensing Objectives.

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

The Chair declared the meeting closed at 4.20 p.m.

Supply of alcohol

Monday to Sunday 11:30 to 23:00

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:-

1. (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;

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

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

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

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

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises 24 hours a day.

2. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

3. (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.

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

5. The premises licence holder shall ensure that adequate measures are in place to prevent the escape of odours from the premises. This includes odour from food preparation and refuse storage.