



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
FRIDAY, 25TH JANUARY 2019 AT 10.00 A.M.

PRESENT

Councillor D.W.R. Preece – Chair

Councillors:

D.C. Harse, R. Whiting

Together with:

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

Representing Trading Standards

T. Keohane (Senior Trading Standards Officer)

Representing Environmental Health

K. Jennings (District Environmental Health Officer)

Representing the Applicant

Mr T. Challenger (Cascade Youth Football Club)

Representing Other Persons

Mr and Mrs Morgan and Mrs Thomas (Local Residents)

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 CLUB PREMISES CERTIFICATE IN RESPECT OF CASCADE YOUTH FOOTBALL CLUB, DUFFRYN PARK PLAYING FIELD, PENPEDAIRHEOL

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 and documentation relating to the premises application, 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.

Before presenting her report, Mrs Kathryn Hopkins (Senior Licensing Officer) drew the Sub Committee's attention to Appendices 10 and 11 that had been referenced in the report but omitted from the agenda pack. It was noted that these detailed the applicant's response and agreement to further conditions suggested by Trading Standards and Environmental Health. With the agreement of all parties present, these documents were tabled at the meeting and all present were given the opportunity to read through them before the proceedings continued.

Mrs Hopkins then presented the report of the Senior Licensing Officer and outlined the application submitted by Cascade Youth Football Club, Duffryn Park Playing Field, Penpedairheol, for a club premises certificate which sought to permit the following licensable activities:-

Supply of Alcohol (On and Off Sales)

- Monday to Friday 18.00 to 23.00
- Saturday and Sunday 12.00 to 23.00

Recorded Music (indoors)

- Monday to Friday 18.00 to 23.00
- Saturday and Sunday 12.00 to 23.00

The Sub Committee were referred to the representations received in relation to the application and it was noted that the Police, Fire Authority, Health and Safety, Child Protection and the Licensing Authority had indicated they did not wish to make representations in respect of the application. Members were also referred to the representations received from Responsible Authorities (Trading Standards and Environmental Health Pollution) and from Other Persons (local residents) as set out in the Senior Licensing Officer's report. The Sub Committee were asked to note that some of the concerns from local residents related to increased traffic and parking, but that these have no relevance to licensable activities. 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. A local resident (Mrs Thomas) explained that she had concerns about the licence times applied for late at night and enquired as to their frequency. The Legal Advisor explained that this would be a question for the applicant later on in the hearing.

Mrs Morgan (local resident) referred to the application advertisement and suggested that the notice displayed in the perimeter of the playing fields would not have been easily sighted by local residents. She queried whether the notice had been advertised in the local press in accordance with the requirements of the Licensing Act 2003. She was also concerned at the lack of representations from local residents and felt that the advertisement

of the application lacked thoroughness. The Senior Licensing Officer confirmed that the notice displayed on the premises was printed on blue A4 paper and of the required font size in order to meet the required legislation and had been displayed in accordance with the requirements for it to be advertised for 28 days. Additionally, the application had been advertised in The Caerphilly Observer newspaper on 6th December 2018 circulated in the Cascade area, and which stated the licensable hours and activities applied for.

Mrs Morgan stated that it would have been useful for local residents to have been notified of the application on an individual basis, and also suggested that some local residents may not have seen the notice on the premises perimeter or in the newspaper. Lee Morgan (Licensing Manager) explained that licensing legislation does not place a requirement on the applicant to notify individual residents via letter drops etc (although some applicants do so as a courtesy) and that the application had also been listed on the Council's website. He confirmed that Licensing Officers had visited the area to check the notice had been properly displayed and that the role of the Authority had been fulfilled with regard to ensuring proper advertisement of the application.

Representations were then invited from Responsible Authorities.

Mr Tim Keohane (Senior Trading Standards Officer) explained that the representation from the Licensing Authority related to the Protection of Children from Harm Licensing Objective, and suggested that the operating schedule of the licence could be improved by a number of conditions relating to the training of staff and club members serving alcohol, and awareness of proxy sales. He confirmed that the applicant was agreeable to the conditions and that these be added to the operating schedule should the licence be granted.

There were no questions received for Trading Standards and representations were then invited from Environmental Health (Pollution Team).

Mr Kristian Jennings (District Environmental Health Officer) confirmed that he was attending on behalf of his colleague, Amelia Rivers, who had made representations in regards to the Prevention of Public Nuisance Licensing Objective. It was the view of the Responsible Authority that the proximity of residential properties to the premises presented a risk that the proposed recorded music and entertainment provision of the licence may result in noise complaints from customers. It had therefore been requested that conditions be placed upon the operating schedule in the interest of preventing public nuisance and to mitigate noise nuisance. He confirmed that the applicant was agreeable to the conditions and that these be added to the operating schedule should the licence be granted.

All parties were afforded the opportunity to ask questions. The Sub Committee referred to proposed conditions 12 (the volume of amplified entertainment) and 14 (regular patrols by staff to ensure that noise nuisance does not occur) and queried the subjectivity of determining nuisance noise levels. Mr Jennings confirmed that no decibel level has been set and that the assessments are subjective in nature; however the premises should ensure that noise should not be excessive in nature or able to escape from the premises and that they should also take into account cumulative noise arising from any neighbouring establishments. In response to a query from the Chair, Mr Jennings confirmed that Environmental Health would expect residents to report any instances of noise nuisance to them so that this can be investigated further.

Representations were then invited from Other Persons. It was noted that Mrs Thomas had submitted written representations on behalf of herself and her husband, and that Mrs Morgan was in attendance to speak on behalf of her neighbours, who had made written representations but were unable to attend the hearing.

Mrs Thomas addressed the Sub Committee and explained that she lives near to the bowling green in Cascade. She explained that she had experienced noise arising from that premises during the summer months and had concerns that this would be replicated by the football club, and therefore had a number of questions that she wished to put to the applicant once he had addressed the Sub Committee.

Mrs Morgan then addressed the Sub Committee and explained that her neighbours, who work shift patterns and attend call-outs, occasionally experience nuisance parking when needing to leave their home. She explained that there is very narrow parking on their street and asked if visitors to the football club could be requested to park outside of the street perimeter. In response to a query from the Sub Committee, Mrs Morgan confirmed that the police had attended regarding a previous parking incident and action had subsequently been taken. Mrs Morgan added that she had no issue with the premises or their planned activities but did hold concerns regarding the end period on Saturdays for the supply of alcohol, which she believed to be 11.30pm.

There were no other questions and representations were then invited from the applicant, Mr Tony Challenger.

Mr Challenger delivered his representations on behalf of Cascade Youth Football Club and explained that he did not believe the granting of the licence would cause any problems or lead to an increase in traffic.

Mr Challenger then responded to queries from the local residents in attendance and from the Sub Committee. Mr Morgan (local resident) queried whether the club was intending to serve alcohol on match days. Mr Challenger confirmed that alcohol would be served after the game in the clubhouse for senior matches on Saturdays and Sundays and would not be supplied before or during the game.

Mrs Morgan enquired as to the ownership of the parking area at the top end of the playing fields and whether there were plans to improve this area. The Sub Committee sought clarification on the relevance of the question and the Legal Advisor confirmed that although it was not relevant to the licensing objectives, the applicant could respond if he wished. Mr Challenger confirmed that the club have submitted a planning application to improve the clubhouse, which includes scope to improve the parking, but that the funds are not available to carry out this level of works. He also confirmed that the nearby bowls club have their own parking facilities.

The Chair asked if the parking problems are being caused by visitors to the club. Mr Challenger confirmed that this is the most likely scenario on match days, and although they have no control over where supporters from other clubs choose to park, the concerns have been raised with the club and Cascade FC supporters, and the club encourages responsible parking through texts and emails to its supporters.

Mrs Thomas asked whether the club intended to offer the premises for hire for events such as birthday parties, or whether it is solely for the use of members and playing of football. Mr Challenger confirmed that it is mainly for football events and presentation nights, although the club has hired out the venue for children's birthday parties (alcohol free), and an exercise class is held there on Wednesday evenings. He confirmed that he had not been approached for adult birthday parties requiring the supply of alcohol. Additionally, the clubhouse is sometimes not utilised for weeks at a time, or is just used on weekends, and that any bar provision would be subject to the availability of the club committee to operate the bar. He emphasised that the premises would operate a Challenge 25 policy and that

patrons would be likely to migrate to other premises as the evening goes on. He confirmed that the club would give consideration towards opening when large-scale sporting events take place but that club members are more inclined to go to their local pub to watch such matches.

In response to a query on the nature of alcohol to be supplied, Mr Challenger confirmed that this would be restricted to cans only and no draught beer would be supplied.

Discussion then took place around the application for on and off-sales. Mr Challenger confirmed that only club members and their guests would be allowed to purchase alcohol and that no alcohol would be allowed to leave the premises. Clarification was provided as to the meaning of on and off sales and Mr Challenger stated that the club was seeking on-sales only for the supply of alcohol.

Mrs Hopkins explained that the application was for both on and off sales but that the application could be amended to on-sales only if it was the wish of the applicant. Mr Challenger confirmed that the club would not wish for alcohol to be supplied for consumption off the premises and indicated he was agreeable for the licence to be amended to on-sales only. Mrs Hopkins also offered advice in respect of licensing for birthday parties, explaining that these could only be attended by the children of members and their guests, and that any the club would need to apply for a temporary events notice on occasions where the premises are hired out to the public. In response to an earlier point raised by Mrs Morgan, Mrs Hopkins added that the premises was seeking the supply of alcohol to 11.00pm and not 11.30 pm.

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

Mrs Morgan confirmed that she was content with the answers supplied by Mr Challenger in regards to licensing and was happy to meet with him following the meeting to discuss the other issues raised during the meeting. Mr Challenger welcomed the opportunity for himself and the club's committee to meet with the residents to discuss their concerns. There were no summations from any other parties present.

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 10.46 a.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 club premises certificate in respect of Cascade Youth Football Club, Duffryn Park Playing Fields, Penpedairheol, be granted as applied for, save the supply of alcohol for on-sales only, and subject to the conditions contained within paragraph 1.11 of the Licensing Officer's report (and appended to these minutes), save the amendment to condition 2 to read as follows:-

- "The licensee shall ensure that any bottles, cans or glasses are removed from persons leaving the premises".

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 were satisfied that the proposed conditions ensured that the four Licensing Objectives would be promoted and that the granting of the licence would not undermine these objectives.

The Sub Committee noted the concerns raised by local residents regarding noise and parking. They were satisfied that the proposed conditions were sufficient to address any excessive noise issues. As the parking was not relevant to the four Licensing Objectives, the Sub Committee did not take this into account but welcomed the fact that the applicant was willing to discuss this with the residents separately.

The Sub Committee also noted that the applicant had agreed to the conditions as suggested by Trading Standards and Environmental Health and there were no objections from any other Responsible Authorities. Overall the Sub Committee were satisfied 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 11.20 a.m.

Extract from Section 1.11 of the Senior Licensing Officer's Report

1. The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
2. The Licensee shall ensure that any bottles or glasses are removed from persons leaving the premises.
3. Adequate access is produced for emergency vehicles.
4. All parts of premises, fixtures & fittings, lighting, heating, electrical, sanitary accommodation, washing facilities, will be maintained at all times in good order and in a safe condition.
5. Activities relating to the on-site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall not take place after 23.00.
6. Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.
7. 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 wrappings, drinks containers, smoking related litter, etc. by customers.
8. Children must be accompanied by a responsible adult.
9. (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.

(b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
10. All staff and members who may be responsible for serving or supervising the supply of alcohol 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.
11. All staff and members with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults obtaining alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

- 12.** The volume of amplified entertainment must be to a volume that does not cause nuisance to the nearest residential property.
- 13.** All windows and doors to be kept closed during the playing of live or amplified entertainment to reduce noise impact at neighbouring properties
Note: This condition shall not prejudice the minimum ventilation levels for health & safety, and access to emergency exits shall not be compromised.
- 14.** During times of amplified entertainment, staff shall make regular patrols in the immediate vicinity to ensure noise nuisance does not occur at the nearest residential areas
- 15.** Applicants to display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.