



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 19TH FEBRUARY 2019 AT 11.00 AM

PRESENT

Councillor D.W.R. Preece – Chair

Councillors:

J. Ridgewell , J.E. Roberts

Together with:

L. Morgan (Licensing Manager), J. Thomas (Licensing Officer) and J. Williams (Senior Solicitor), R. Barrett (Committee Services Officer)

Representing the Licensing Authority

A. Dicks (Assistant Licensing Manager)

Representing the Applicant

Mr N. Jenkins and Mr G. Morris (Valley Tavern)

Representing Other Persons

Mr Gough, Mr Scanlan and Mrs Scanlan (Local Residents)

1 APOLOGIES FOR ABSENCE

An apology for absence was received from Miss Abbie Brown (Environmental Health Officer).

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 VALLEY TAVERN, 15 HIGH STREET, FLEUR DE LYS, BLACKWOOD

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 Manager, 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.

Mr Lee Morgan (Licensing Manager) presented the report and outlined the application submitted by Valley Tavern, 15 High Street, Fleur de Lys, for a new premises licence which sought to permit the following licensable activities:-

Supply of Alcohol (on sales only)

- Sunday to Thursday inclusive, 11:00 to 00:00
- Friday and Saturday, 11:00 to 01:00 the following morning
- New Years Eve and Boxing Day 11:00 to 01:00 the following morning
- On days where live sporting events are broadcast, hours will be 00:01 to 00:00

Late Night Refreshment (indoors only)

- Sunday to Thursday inclusive, 23:00 to 00:00
- Friday and Saturday, 23:00 to 01:00

Performance of Dance (indoors only)

- Monday to Thursday inclusive, 10:00 to 23:00
- Friday to Sunday inclusive, 10:00 to 00:00

Recorded Music (indoors only)

- Monday to Thursday inclusive, 10:00 to 23:00
- Friday to Sunday inclusive, 10:00 to 00:00

Live Music (indoors only)

- Monday to Thursday inclusive, 10:00 to 23:00
- Friday to Sunday inclusive, 10:00 to 00:00

Boxing and Wrestling entertainments (indoors only)

- Monday to Thursday inclusive, 10:00 to 23:00
- Friday to Sunday inclusive, 10:00 to 00:00

Films (indoors only)

- Monday to Thursday inclusive, 10:00 to 23:00
- Friday to Sunday inclusive, 10:00 to 00:00

It was noted that the premises had previously operated as the James Club (license surrendered in January 2017) and that the applicant has operated under and applied for Temporary Event Notices which permit them to provide the sale and supply of alcohol for dates between 1st February to 19th February 2019.

The Sub Committee were referred to the representations received in relation to the application and it was noted that Trading Standards, Gwent Police, the Health and Safety Team, Social Services and the Health Board had indicated they did not wish to make representations in respect of the application. Representations were received from the Licensing Authority and Environmental Health and were set out in the Licensing Manager's report, together with representations from Other Persons, comprising of objections from four local residents and 3 letters in support of the application from local businesses. Copies of the representations were attached to the report that was circulated with the agenda. As Environmental Health had given apologies for the meeting, it was explained that Mrs Annette Dicks (representing the Licensing Authority) would present these representations on their behalf.

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. Members were directed to the recommendation set out in the Licensing Manager's report for the premises licence to be granted, subject to the conditions set out in Appendix 10 of the report. The Sub Committee were reminded that this was purely a recommendation and that they should take into account all the information before them when making their decision.

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

Mrs Annette Dicks (Assistant Licensing Manager) presented the representation from Environmental Health, which had been made on the grounds that the Prevention of Public Nuisance Licensing Objective could be undermined. The Responsible Authority were of the view that the premises had the potential to cause a public nuisance due to use of the rear beer garden. For this reason, they recommended that conditions be added to any licence granted to reduce the impact of the public house upon the nearby residential area and the occupants of the flats above the premises. Mrs Dicks explained to the Sub Committee that these conditions would be sufficient to allay the concerns of Environmental Health. Anyone with further concerns were encouraged Environmental Health.

Mrs Dicks then presented the representation from the Licensing Authority, which related to the Prevention of Public Nuisance Licensing Objective. The representation suggested that due to the proximity to residential properties, the operating schedule of the licence should include further conditions that reflect the needs of local residents, and that the proposed condition relating to the use of the outside area be amended to restrict the consumption of food after 22.00 hours. Mrs Dicks also referred to suggested conditions from the Licensing Authority, that were similar in nature to Environmental Health, and included management of outdoor areas and non-amplification of music outside the premises.

Mrs Dicks confirmed that she had visited the premises and spoken to the applicant, who had accepted the conditions proposed by both Environmental Health and the Licensing Authority.

All parties present were afforded the opportunity to ask questions, and in referring to the condition proposed by the Licensing Authority in relation to the level of amplified music, the Sub Committee sought clarification on the classification of "unreasonable disturbance" and if this includes music above a certain decibel level. Mrs Dicks explained that it would be for Environmental Health (and not the Licensing Authority) to give a definitive response to these queries. However, any concerns could be reported to Environmental Health who would then initiate the relevant protocol to investigate the complaint.

The Sub Committee expressed disappointment that Environmental Health were not present to provide clarity on any technical queries, but accepted the fact that the applicant had agreed to the conditions proposed in the representation from this Responsible Authority.

Representations were then invited from Other Persons.

Mr Gough (local resident) expressed concerns arising from a large number of smokers outside the premises, which has resulted in crowding around the entrance door, congestion of the pavement and cigarette-related litter. He raised concerns around 24-hour opening when live sporting events are held, and the disturbance that could be potentially experienced by local residents as a result of noise nuisance and traffic from the premises during anti-social hours. He also raised a query regarding the serving of food at the premises.

There were no questions received and Mrs Scanlan (local resident) was then invited to

make her representations. Mrs Scanlan explained that she had questions around security at the premises and whether they would be present at specific times. She expressed concerns over the locality of the premises in that it sits next door to a sheltered accommodation complex and asked how the premises could be marketing themselves as a family pub when they are seeking 24-hour opening. Mr Scanlan also addressed the Sub Committee and asked if the premises was air-conditioned, explaining that the former James Club used to open the doors when the temperature rose in the building.

All parties present were afforded the opportunity to ask questions, and the Sub Committee asked how long the premises had been open when it was known as the James Club. Mr Scanlan explained that it had been open 5-6 times and had been a club for a long period of time.

Representations were then invited from the applicant, Valley Tavern.

Mr Nathan Jenkins and Mr Gareth Morris (Valley Tavern) addressed the Sub Committee and responded to a number of the observations and queries raised during the course of the hearing. They referred to the smoking area at the rear of the premises and of the signage reminding patrons to be mindful of nearby residences. The applicants explained that the premises originally had a parking area to the front but a planning application has now been submitted to build a café extension in its place. It was acknowledged that the opening night had been exceptionally busy with crowding at the front entrance owing to a large number of smokers outside, but measures would be put in place to reduce any repeat incidences. This includes staff training to ensure that any patrons wishing to smoke are directed through to the rear of the premises.

The applicants explained that with regard to sporting events, it can be difficult to predict in advance how many events will be shown on weekends, but that the purpose of the 24-hour application was to allow for special events to be shown (such as the Rugby World Cup and British Lions tour). The premises also intended to host a number of non-regular events as part of their sponsorship of a local company. The applicants explained that the beer garden is located to the rear of the premises through two sets of doors which act as a noise buffer. They added that there have been no incidences of windows being open whilst the premises was operating under a Temporary Events Notice.

The applicants sought clarification on the query regarding the serving of food and Mr Gough explained that this related to the café sited at the premises. The applicants explained that they were not serving food at the moment, although it was their ambition to do so in the long term, and that the building of the extension for the café has been halted until planning permission is determined. Clarification was sought on the relevance of the question and the Licensing Manager explained that the list of conditions proposed by the Licensing Department included a reference to the serving of food, in that the condition would prohibit food or beverages from being taken outside to the beer garden after 22.00.

The Legal Advisor to the Sub Committee referred to the proposed condition requiring doors and windows to be kept closed to reduce noise impact, and asked if recorded music is played at the premises. The applicants confirmed that a jukebox is in operation. The Legal Advisor queried how the premises planned to enforce this condition in the summer months during hot weather, and the applicants explained that they may look into installing an air conditioning system.

Discussion took place regarding crowd management measures at the premises and the applicants confirmed that it was their intention to employ qualified door staff, and that signage was in place to direct patrons to the appropriate exit. The Legal Advisor asked if "no smoking" signs had been put up at the front entrance and the applicants explained that this could not be done until the rendering to the walls is complete.

The Sub Committee sought clarification from Licensing on the requirements and expectations in respect of 24-hour opening. The Licensing Manager explained that there is nothing to prevent the applicant opening for the hours applied for, but if complaints were received by the Council, then there could be grounds to hold a premises review. It was highlighted that no objections had been received from Responsible Authorities in respect of 24-hour opening and no adverse comments had been received concerning an increase in crime and disorder. In response to a query from the Chair, the Licensing Manager explained that a condition can be placed on the premises requiring the applicant to notify the Licensing Authority and Police of any planned 24-hour openings, although no such condition had been proposed on this occasion.

The Sub Committee queried the frequency of events held in the early hours (such as live boxing fixtures). The applicants confirmed that two events were held in 2018, and that the demand for any such event need to be weighed up against the cost of opening up and staffing the premises for each fixture.

Members raised a number of queries regarding the use of door staff at the premises. The applicants explained that they are only used during busier periods, and the role had been previously filled from the pool of existing staff. However, the premises intends to recruit two designated SIA staff to cover the front door during future events. They will also be asked to monitor the use of the back door leading to the smoking area, which will be supported by the other staff at the premises. It was confirmed that on a normal Saturday night when no events are taking place, there are between 6 and 8 staff on duty who rotate door cover as part of their duties. Assurances were given that all staff would receive the proper training in relation to door control.

In response to queries from the Sub Committee, the applicants confirmed that it was their intention to install air conditioning in the future. The Sub Committee asked why the café was not on the plans and were advised by the Licensing Manager that this is because it does not form part of the premises application.

Discussion took place regarding the CCTV system, and the applicant confirmed the number of cameras and their positioning throughout the premises, including the main entrance and smoking area. It was noted that these cameras are motion-activated in the event of a break-in. Mr Scanlan asked if these are monitored on a 24-hour basis and the applicant explained that this is not the case, but that the footage can be reviewed afterwards, and that there will be a CCTV screen behind the bar to allow staff to view live images (which will include a feed to the smoking area). Mr Scanlan expressed a need for someone to be continually watching the screen. The Licensing Manager highlighted the proposed condition relating to the operation of CCTV at the premises, and which sets out the requirement for CCTV cameras to monitor all areas used by patrons and to retain footage for 31 days with staff available to review the footage. In the event of any incidents at the premises, the police and Licensing Authority would have powers to check the footage which could then be used as evidence in any subsequent investigation.

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

Mrs Dicks reiterated the points made in her earlier submissions and referred to the list of conditions proposed by the Licensing Authority and agreed by the applicant, which would assist in upholding the Prevention of Public Nuisance Licensing Objective.

Mr Gough referred to the potential for noise nuisance from the beer garden and sought clarification on the location of the inner and outer sets of doors at the premises. The applicant explained that these are located at the front and rear of the premises and act as a

vacuum to restrict any escape of noise. Mr Gough explained that he could only see one set of doors on the plan and asked to visit the premises to get a better indication of the layout.

Mr and Mrs Scanlan emphasised their reservations over 24-hour opening and the reasons why the premises had applied for this, given the stated infrequency of any late-night events.

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 12.10 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 new premises licence in respect of Valley Tavern, 15 High Street, Fleur De Lys, be granted subject to the conditions contained in Appendix 10 of the Licensing Officer's report. For ease of reference, these are appended to the minutes.

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 of the view that the concerns raised by the Responsible Authorities and the Interested Parties, both in writing and in person at the hearing, could be adequately addressed with the conditions proposed by the Responsible Authorities, and accepted by the Applicant, which were attached to the decision notice.

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 12.30 p.m.

**Licensing Officer's Report – Appendix 10
Proposed Conditions**

1. CCTV shall be in use at the premises.
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;
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;
There shall be clear signage indicating that CCTV equipment is in use and recording at the premises 24 hours a day.
2. CCTV cameras shall monitor all areas used by premise patrons including any external smoking area to monitor numbers and prevent crime and disorder.
3. There shall be no consumption of beverages in any outside areas/specific after 22.00 hours. Adequate notices shall be displayed to inform patrons of this requirement.
4. Careful consideration should be given as the circumstances in which these conditions may be pertinent i.e. main use cinema or video juke boxes in pubs and clubs.
No film shall be exhibited unless –
it has received a 'U', 'PG', '12A', '15' or '18' certificate of the British Board of Film Classifications; or
it is a current newsreel, which has not been submitted to the British Board of Film Classification;
no film classified as R18 may be exhibited in these premises.

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. 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.

6. 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.
7. The premises licence holder shall be required to employ a designated premises supervisor, or in his / her absence another 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.
8. All windows and doors to be kept closed to reduce noise impact at neighbouring properties other than when the doors are being used for loading and unloading and for the use of entering and leaving the premises. NOTE This condition shall not prejudice the minimum ventilation levels for health and safety and access to emergency exits shall not be compromised.
9. No speakers for amplification of music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises. and are not positioned near openings such as doors or windows.
10. The volume of amplified/unamplified live and recorded regulated entertainment must be at a level so as not to cause a nuisance at the nearest residential property.
11. During times of amplified/unamplified live and recorded regulated entertainment is taking place, staff shall make regular patrols in the immediate vicinity to ensure noise nuisance does not occur at the nearest residential property.
12. The premises supervisor, manager or other competent person shall manage the outdoor areas to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place for staff to monitor the external areas on a regular basis.
13. There shall be no consumption of food or beverages in any outside areas after 22.00 hours. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.
14. The use of the beer garden of the premises is not permitted after 22.00 other than for the provision of a designated smoking area.
15. The designated smoking area, as referred to in condition 6 shall not exceed the capacity of 10 persons at any one time after post 22.00.
16. Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 07.00 and 22.00 hours
17. Licence holder 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.

18. All lighting for external areas of the premises must be aimed so the beam does not cause nuisance to the surrounding residential areas.
19. All external lighting must be turned off when no longer required.

The meeting closed at Time Not Specified