

# Pecyn Dogfennau Cyhoeddus

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett  
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

**Dyddiad: Dydd Mawrth, 20 Hydref 2020**

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Is-bwyllgor Trwyddedu a Gamblo** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Llun, 26ain Hydref, 2020** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR

## A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cyngorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cyngorwyr a Swyddogion.

A greener place Man gwyrddach



I dderbyn ac ystyried yr adroddiad canlynol:-

- 3 Penderfynu ar Gais am Drwydded Eiddo - Pafiliwn Maes Chwarae, Maes Hamdden Wattsville, Lôn Ddeheuol Heol Islwyn, Wattsville, Crosskeys NP11 7QH.

1 - 48

**Cylchrediad:**

Cynghorwyr D.W.R. Preece (Cadeirydd), W. David a J.E. Roberts

A Swyddogion Priodol

**SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk). ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## LICENSING AND GAMBLING SUB COMMITTEE – 26TH OCTOBER 2020

**SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION**

**REPORT BY: LEE MORGAN LICENSING MANAGER**

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### 1. Application Details – Wattsville Community Group

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Wattsville Community Group, Sports Ground Pavillion, Wattsville Recreational Ground, Islwyn Road South Lane, Wattsville, Crosskeys. NP11 7QH.	Sports Ground Pavillion, Wattsville Recreational Ground, Islwyn Road South Lane, Wattsville, Crosskeys. NP11 7QH.	New Premises licence

#### 1.1 Application for Grant of a New Premises Licence

An application has been submitted to apply for a new premises licence for the above premises. The proposed application for consideration is set out in 1.3 of this report.

#### 1.2 Site Plan/Photographs

The plan of the licensed area is reproduced as **Appendix 1**.

A location plan is reproduced as **Appendix 2**.

#### 1.3 Proposed Trading Times and Licensable Activity

The application for the grant of a Premises Licence seeks to permit the following Licensable Activities:-

- **Supply of Alcohol (on sales only)**

Monday, Tuesday, Thursday and Friday, 19:00 to 23:00  
Wednesday, 19.00 to 23.00  
Saturday, 12.00 to 23.00  
Sunday, 12.00 to 20.00

- **Recorded Music (indoor only)**

Monday, Tuesday, Thursday and Friday, 19:00 to 23:00  
Wednesday, 17.00 to 23.00  
Saturday, 12.00 to 23.00  
Sunday, 12.00 to 22.00

**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. The premise Supervisor will ensure that at all times when the premises are for licensable activities, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
2. Any incidents of a criminal nature that may occur on the premises will be reported to the police. CCTV has been installed at the premises covering all entrances and exits of the building.
3. Appropriate fire safety precautions as laid down in the fire risk assessment will be in place. Internally illuminated fire exit signs and emergency lighting are also in place. All emergency exits shall be kept free from obstruction at all times.
4. All customers will be asked to leave quietly. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
5. All persons who appear to be under the age of 25 will be asked to show photographic ID.
6. All staff will be trained for underage sales prevention regularly.

**1.4** **RELEVANT CONSIDERATIONS**

Caerphilly County Borough Council Licensing Policy **Appendix 3**

National Guidance **Appendix 4**

## 1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

### 1.5.1 Responsible Authorities:

Fire Safety have indicated that they have no representations in respect of the proposed new premises licence.

#### Police

Document	Date Received	Appendix Reference
<b>Initial Representation</b>	<b>30/09/2020</b>	<b>Appendix 5</b>

#### Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
<b>Initial Representation</b>	<b>05/10/2020</b>	<b>Appendix 6</b>

#### Trading Standards

Document	Date Received	Appendix Reference
<b>Initial Representation</b>	<b>16/09/2020</b>	<b>Appendix 7</b>

#### Environmental Health Officer Noise Team

Document	Date Received	Appendix Reference
<b>Initial Representation</b>	<b>05/10/2020</b>	<b>Appendix 8</b>

### 1.5.2 Other Persons:

#### Residents

Document	Date Received	Appendix Reference
<b>Resident A Representation</b>	<b>06/07/2020</b>	<b>Appendix 9a</b>
<b>Supplementary Comments</b>	<b>12/10/2020</b>	<b>Appendix 9ai</b>
<b>Residents B Representation</b>	<b>08/07/2020</b>	<b>Appendix 9b</b>
<b>Supplementary Comments</b>	<b>09/10/2020</b>	<b>Appendix 9bi</b>
	<b>13/10/2020</b>	<b>Appendix 9bii</b>

## 1.6 SUMMARY OF REPRESENTATIONS

Fire Safety have indicated that they have no representations in respect of the proposed new premises licence.

Heddlu Gwent Police have proposed conditions that the CCTV images shall be kept for 31 days and that there are trained members of staff available to reproduce and download CCTV images, along with signage indicating the CCTV is in use. An incident report log is to be held at the premises. Management of outdoor area to ensure customers do not cause a disturbance, loiter or cause anti social behaviour. Children must be accompanied by an adult and must vacate the premises by 2200 hours. No bottles cans or glasses to be taken outside. Adequate notices are to be displayed.

The Licensing Authority in its role as a responsible authority has proposed an incident/refusals log be kept. Measures in relation to the removal and disposal of litter were suggested, along with the specific notices to be displayed that relate to children vacating the premises, customers outside the premises and that cans, glasses or bottles are not to be taken outside.

The comments of the Environmental Health Noise Pollution Officer relate to the removal of waste into external areas. The Environmental Health Officer is unable to propose conditions in relation to entertainment noise, given the hours sought by the applicant. As should a Premises licence be granted, the premises will benefit from the ability to hold live and recorded music between 8am and 11pm by virtue of the live music act exemption and recorded music deregulation. In such instances' protection will be afforded to residents via the nuisance provisions under the Environmental Protection Act 1990.

Trading Standards have proposed conditions for the training of staff/members who serve alcohol in preventing underage sales, and that staff be vigilant in preventing adults purchasing alcohol for persons who are under 18.

Relevant representations have been received from 2 households during the consultation process. The residents are objecting to the licence being granted.

Resident A was concerned that foul language currently being experienced when football matches or training was held would escalate with the consumption of alcohol from the premises. The representation included concerns that noise was likely from increased traffic, and a previous camping event at the premises had highlighted concerns with loud music. The resident expressed that a licence should not be granted under any circumstances.

Residents B expressed public safety concerns over increased traffic and parking along with the lack of sufficient lighting in the car park. They feel the granting of the licence will increase the risk of accidents, as well as creating anxiety with residents who will be reluctant to leave their houses, as they may encounter rowdy or inebriated people.

The residents added that the days and times applied for would increase the levels of noise and disturbance, which could potentially be every night. Concern was expressed about the lack of smoking facilities and alluded to an increased risk of forest fires without these facilities. The residents sought reassurance that noise or music will not be too loud, and for this to be moderated and reinforced. The residents indicated that there have been instances where music was being played too loudly by the applicants, when the music was played inside, with the patio doors open the residents indicated that they could still hear music. The residents indicated that requests to reduce the volume of music have been disregarded. It was claimed that Waste has been left for extended periods of time causing a hazard to the public.

Mediation was offered as Residents B indicated that they were not totally opposed to a licence being granted, but would rather the applicant be granted licence with reduced days. A request was made that the applicant consider a licence for 2 or 3 days, not including Sunday, and seeing how this was managed, before a full licence was granted.

Following a response from the applicant, further comments were subsequently received from Residents B, detailing that the applicant's response did not address their concerns. Their concerns remained in relation to noise, anti-social behaviour and high amounts of traffic. The financial constraints mentioned by the applicant were seen to imply that the licensee will hire out the Sports Ground Pavilion more often than not to obtain funds.

## 1.7 APPLICANT RESPONSE

Document	Date Received	Appendix Reference
<b>Response to Residents</b>	<b>12/10/2020</b>	<b>Appendix 10</b>

The applicant responded to Residents B's concerns on 12<sup>th</sup> October 2020. In this response, the applicant detailed that the Community Group did not anticipate being open at all the times applied for but had sought these days/times for flexibility and financial reasons. The applicant expressed their wish to enter into a dialogue and address any concerns of neighbours.

The Applicant has responded and agreed to the proposed conditions by the Police, Licensing Authority in role as a responsible authority, Environmental Health and Trading Standards, as such these would form the basis of conditions, should a premises licence be granted.

## 1.8 LICENSING ASSESSMENT

THE LICENSING ASSESSMENT IS A PROVISIONAL SUMMARY, BASED ON REPRESENTATIONS RECEIVED PRIOR TO THE HEARING. THE HEAD OF PUBLIC PROTECTION, COMMUNITY AND LEISURE SERVICES RESERVES THE RIGHT TO AMEND OR VARY THE PROVISIONS CONTAINED IN THE SUMMARY AND RECOMMENDATION, SUBJECT TO ANY CHANGE IN THE MATERIAL FACTS THAT BECOME KNOWN AT THE HEARING. THE SUB-COMMITTEE IS OBLIGED TO DETERMINE THIS APPLICATION WITH A VIEW TO PROMOTING THE LICENSING OBJECTIVES WHICH ARE:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm

In making its decision, the Sub Committee is obliged to have regard to:-

- Licensing Act 2003
- Statutory Guidance issued under S182 of the Licensing Act
- The Council's own licensing policy, and
- All representations made and evidence presented

NOTE: THE SUB-COMMITTEE MAY NOT MODIFY THE CONDITIONS OR REJECT THE WHOLE OR PART OF THE APPLICATION MERELY BECAUSE IT CONSIDERS IT DESIRABLE TO DO SO. ANY SUCH ACTIONS MUST BE NECESSARY IN ORDER TO PROMOTE THE LICENSING OBJECTIVES.

Statutory Power - Licensing Act 2003. This is a Council function which is delegated to this committee to decide.

## 1.9 OBSERVATIONS

This application relates to the granting of a new premises licence. No objections were received from any of the Responsible Authorities (RA's). It is noted that the Police, Licensing Authority in role as responsible authority, Environmental Health, (Noise Team) and Trading Standards have all advocated conditions, which have been accepted by the applicant. The Fire Authority offered no representations in relation to the application.

The Responsible Authorities (RA's) are essentially satisfied with the applicant's ability to promote the licensing objectives, having raised no concerns or confidence in management issues in respect of the applicant.

Paragraph 9.12 of the Section 182 Home Office National Guidance states - *Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

Relevant representations making objections to the granting of the premises licence have been received from 2 residents.

It is noted that some comments received relate to the council's decision to allow an application for a premises licence to be submitted at this time, however the council has no discretion or remit to prevent an applicant from making an application for a Premises Licence at any time or indeed location.

Reference has been made to a lack of consultation with residents regarding the application. However, the Licensing Authority is satisfied from photographs taken that relevant notices were clearly displayed, the relevant newspaper advertisement published and application advertised on the council's website.

Members of the Sub Licensing Committee will be required to determine the application in relation to the promotion of the four licensing objectives i.e prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Whilst it is understood that residents will be concerned by the same, matters such as the presence of COVID19, the use of other licensed venues, who will use the venue, implications of a licence on the natural world, increased traffic and the lack of parking will not be a consideration for Members of the Sub-Committee, as they are not considerations under the Licensing Act 2003.

Paragraph 18.4 of the Authority's licensing policy states

*'Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.'*



A number of concerns appear to be anticipatory in nature about behaviour or issues which could arise, should a licence be granted. At this time, no concerns have been brought forward by the Responsible Authorities in respect of current anti-social behaviour in the vicinity. If there are concerns in relation to foul language during football matches previously held at the venue, then this can be addressed with the club, league and ultimately Gwent Police.

The Council does not currently have any cumulative impact areas and therefore the number of other licensed premises in the vicinity would not ordinarily be a consideration for Members of the Sub Committee. The same principle would apply in relation to the 'need' or otherwise for a new, licensed premises.

The applicant details that the Community Group will permit licensable activity indoors only by virtue of 'on sales' only. Therefore all alcohol will have to remain within the curtilage of the premises, which will afford protection to local residents.

The council's licensing policy Paragraph 18.1 *The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.*

Advice is offered in relation to hours within the Section 182 Home Office National Guidance Paragraph 10.14 states:

*Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.*

Paragraph 14.5 of the Council's Licensing Policy States:

*The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.*

This is echoed by Paragraph 2.21 of the Section 182 Home Office National Guidance which states that *Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.*

No concerns have been identified by the Responsible Authorities during the statutory consultation process in relation to nuisance from noise or smell from the proposed premises. In relation to complaints in relation to possible noise concerns from entertainment at the premises, protection will be afforded to residents by virtue of Statutory Nuisance provisions of the Environmental Protection Act 1990.

Paragraph 8.3 of the Authority's licensing policy states

*'The following fundamental principles will apply:*

*The right of any individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits;*

*The statutory rights of any person to make appropriate representations in respect of any application or to seek a review of any premises / club premises certificate.*

*The statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any conditions that may be attached to licences and certificates will focus on:*

*Matters within the control of premises licence/club premises certificate holders and others who are granted relevant permissions;*

*The premises and places being used for licensable activities and their immediate vicinity;  
and*

*the direct impact of the activities taking place at the relevant premises on members of the public living, working or otherwise engaged in normal activity in the area concerned.*

#### **1.10 RECOMMENDATION**

Having had regard to and considered the position of the Responsible Authorities and all comments received by residents, it is recommended that the application for a Premises Licence be **granted subject to conditions**. In reaching this conclusion, it is noted that there are no objections to the application from Responsible Authorities.

Whilst there are objections from members of the public which give rise to concerns, as identified above, such concerns are in the main either outside of the control of applicant or outside of the scope of the Licensing Act regime. It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out below.

- CCTV shall be in use at the premises.  
Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the grant of the licence.  
The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place;

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.
- An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation.
- The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
- Children must be accompanied by a responsible adult.
- All children shall vacate the premises by 22:00 hours & notices to be displayed to this effect.
- Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity. Notices will be displayed to this effect.
- No bottles, cans or glasses are to be taken outside & notices to be displayed to this effect.
- No waste or bottles should be moved to external areas between 23:00 and 08:00.
- All staff/members who serve 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.
- 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.
- The premises licence holder shall ensure that an 'incident / refusals' logbook in a bound book is kept, 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

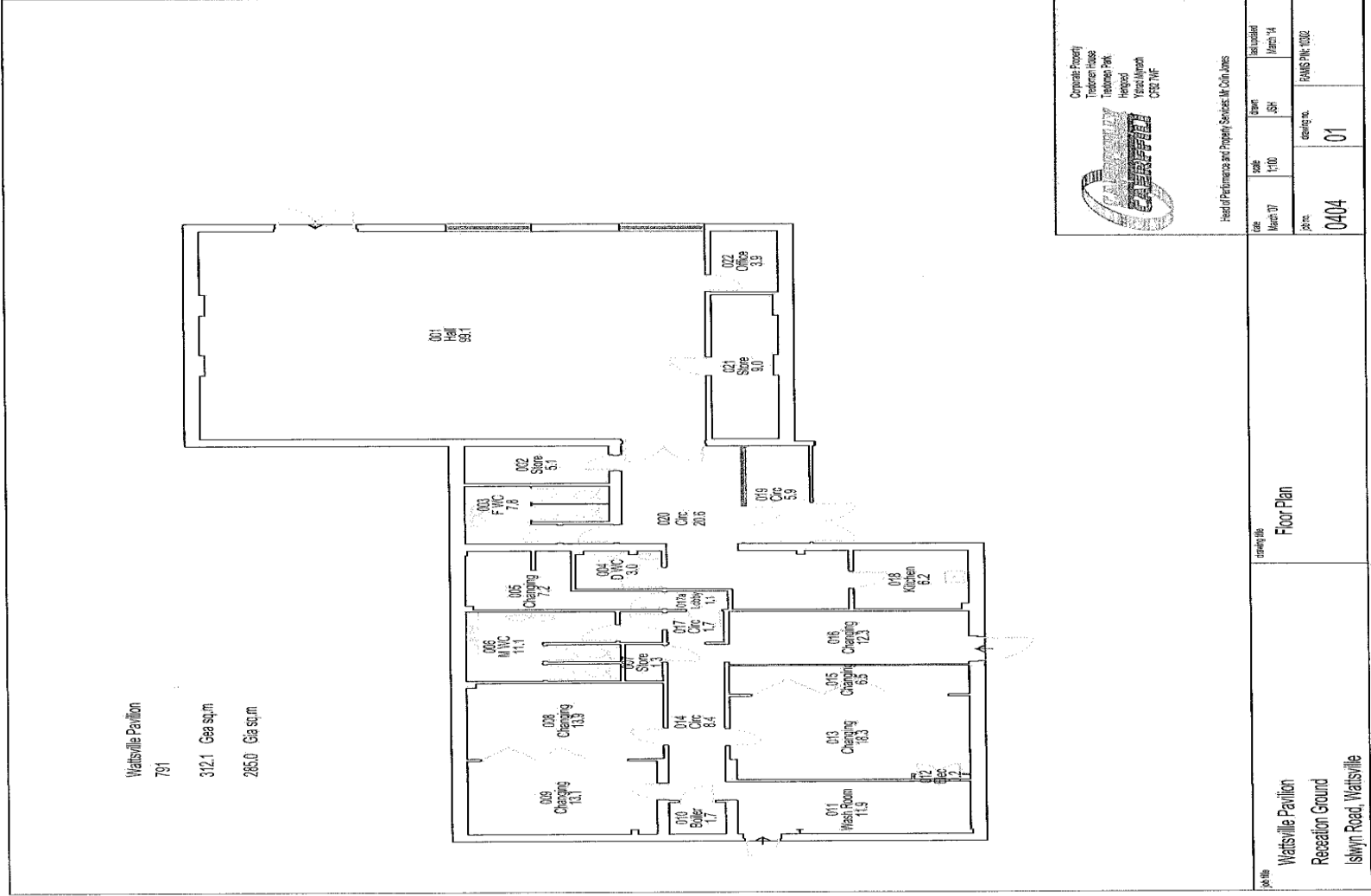
of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

- The premises licence holder shall ensure that measures are in place to ensure the removal of litter or waste from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.
- The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste

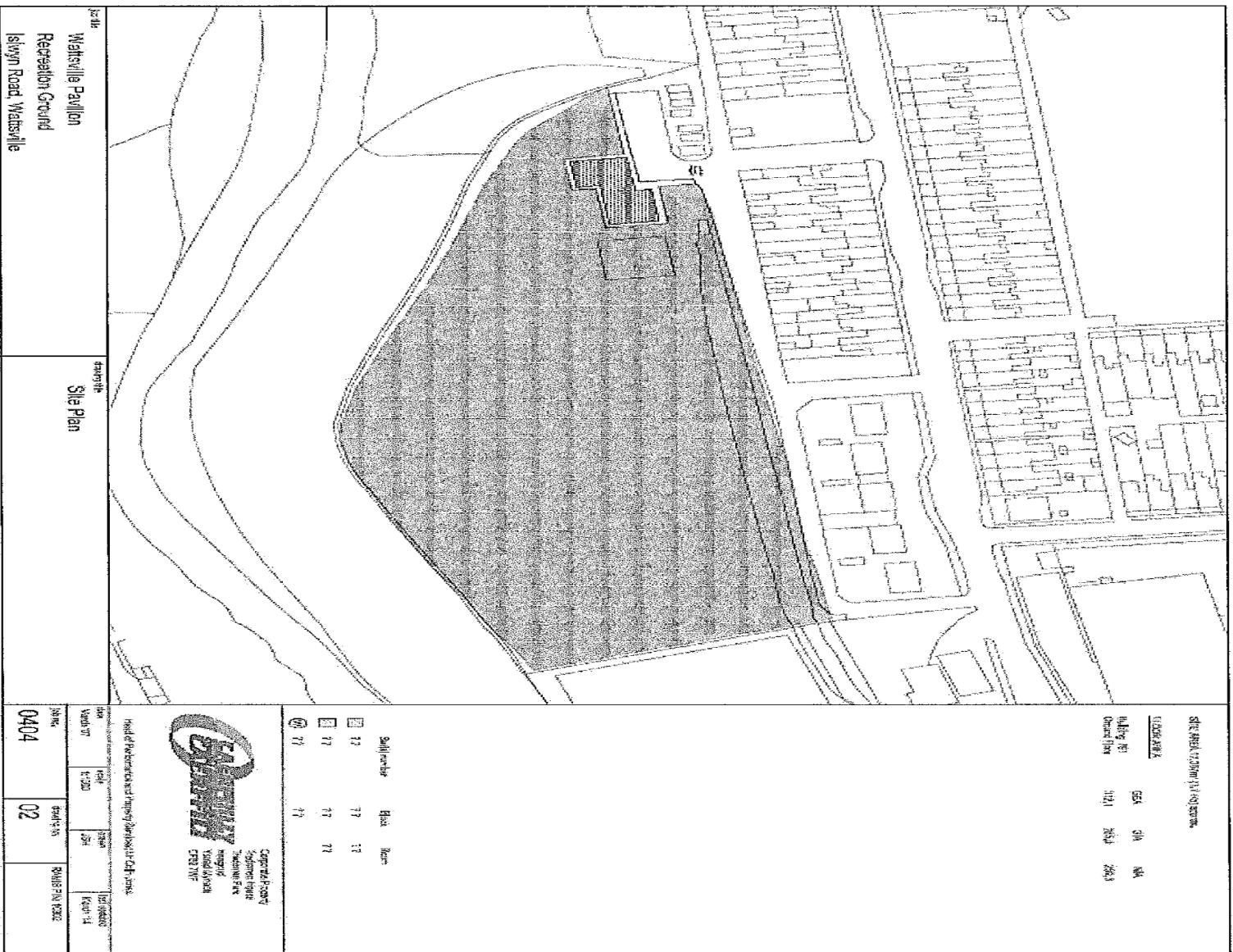
Background Papers: Statutory Guidance issued under S182 of the Licensing Act  
Caerphilly CBC Statement of Licensing Policy

Date of this report: 16<sup>th</sup> October 2020

Author: Lee Morgan – Licensing Manager Tel: 01443 866750



Gadewir y dudalen hon yn wag yn fwiadol



Site No  
**Waterville Pavilion**  
**Reversion Ground**  
 Istinyan Road, Waterville

Site No  
**Site Plan**

SITE AREA: 12,000 m<sup>2</sup> (28,800 sq ft)  
 LOT AREA: 12,000 m<sup>2</sup>  
 BUILDING FLOOR AREA: 1,121 m<sup>2</sup> (23,854 sq ft)  
 OVERALL FLOOR AREA: 2,121 m<sup>2</sup> (45,304 sq ft)

Shading	Area	Notes
■	12	12
■	17	17
■	17	17
○	17	17

**CHENNY**  
 CONSULTANTS  
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## Caerphilly County Borough Council Licensing Policy Relevant Extracts

8.2 The licensing regime places a great responsibility on applicants themselves to actively engage in the application process. It also places responsibilities on defined consultees to make relevant representations (either positive or negative) relating to applications within the prescribed timescales. Where representations are not received within the timescales an authorisation may be granted with only those conditions that are in line with an applicant's operating schedule. Operating schedule conditions can only be modified where relevant representations are received and where they need to be modified to promote the licensing objectives.

8.3 The following fundamental principles will apply:

- The right of any individual or body to apply for a variety of permissions is not undermined and that each application will be determined on its merits;
- The statutory rights of any person to make appropriate representations in respect of any application or to seek a review of any premises / club premises certificate.
- The statutory function of licensing is primarily concerned with the regulation of persons, premises and temporary events within the legislation and that any conditions that may be attached to licences and certificates will focus on:
  - Matters within the control of premises licence/club premises certificate holders and others who are granted relevant permissions;  
The premises and places being used for licensable activities and their immediate vicinity; and
  - The direct impact of the activities taking place at the relevant premises on members of the public living, working or otherwise engaged in normal activity in the area concerned.

8.4 Each application will be considered on its individual merits, and in the light of this Policy.

10.5 The Licensing Authority will monitor premises to ensure that all conditions are adhered to by authorisation holders.

12.1 Applicants are required by law to set out in their operating schedules the steps they intend to take to promote the licensing objectives. Responsible applicants will give proper regard in the schedules to the location, character and condition of the premises, the nature and extent of the proposed use, the demography of the area and the person likely to be attracted to the premises.

13.2 The Licensing Authority will expect operating schedules to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Applicants are recommended to seek advice

from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

13.3 It is expected that authorisation holders will take steps to control excessive consumption and drunkenness on their premises. Proper management will reduce the risk of anti-social behaviour occurring both on the premises and outside after customers have left. They must also demonstrate a general duty of care to customers using their premises and others that may be affected by the activities.

14.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

14.2 Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

14.3 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

14.4 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

14.5 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

14.6 When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered. The following issues that should be considered are set out below to assist applicants when preparing their operating schedules, having regard to their particular type of premises and/or activities. These are not exhaustive, and are not to be regarded in any way as standard requirements, but include:

- a) Demonstrate effective and responsible management of premises;
- b) Evidence appropriate staff instruction, training and supervision to prevent incidents of public nuisance;
- c) Indicate how the operating hours for the whole or parts of premises are to be controlled so as to reduce the potential noise impact on neighbouring properties.

This should include control of external areas such as beer

gardens and smoking areas, and such matters as deliveries, disposal of glassware and waste collections.

d) Adoption of best practice guidance (Such as the Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Safer Clubbing the National Harm Reduction Strategy Toolkit and other industry codes of practice).

e) Installation and effective maintenance of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;

f) Management of people including staff and customers arriving and leaving premises (including the potential for queuing outside of the premises);

g) Liaison with public transport / taxi and private hire service providers to encourage customers to leave the area quickly;

h) Siting of external lighting including security lighting and consideration of the potential for light pollution nuisance;

i) Management arrangements for collection and disposal of litter in the vicinity of the premises;

j) Effective ventilation systems to prevent nuisance from odour;

k) Demarcation, capacity control, supervision and monitoring of areas immediately in the vicinity of the premises, used by smokers;

l) Dispersal policy / arrangements

m) Adverse noise created by any ventilation or air conditioning system or other associated machinery positioned outside the building.

n) Appropriate signage requesting patrons to respect the rights of local residents when leaving the premises.

16.4 When addressing the protection of children, an applicant should initially identify any particular issues (having regard to their particular type of premises and/or activities) which are likely to cause concern in relation to children. Such steps as are required to deal with these identified concerns should be included within the applicant's operating schedule and these may include:

Effective and responsible management of premises;

Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm. Details of the content of any training, preferably to be maintained in a written form, along with dates and frequency of any training or instruction given. A written policy in respect of "proof of age".

Requiring the production of age identification documentation: Proof of Age Standards Scheme (PASS) accredited "proof of age" cards, passports/photo driving licences;

Measures to ensure that children do not purchase, acquire or consume alcohol;

Measures to ensure that adults do not purchase/acquire or supply alcohol for consumption by children;

Adoption of best practice guidance;

Provision of sufficient numbers of people employed or engaged to secure the protection of children, including child performers, from harm;

Limitations on the hours when children will be present in all or parts of the premises;

- Limitations or exclusions by age when certain activities are taking place;
  - Imposition of requirements for children to be accompanied by an adult;
- 20
- Measures to ensure that children are not exposed to incidences of violence or disorder.

16.5 In the event that representations are received regarding the protection of children from harm the Council will judge each application on its own individual merits. Examples, which will give rise to particular concern in respect of children, include premises:

- Where entertainment of an adult or sexual nature is provided;
- Where there is a strong element of gambling taking place;
- With a known association in drug taking or dealing;
- Where there has formal enforcement action taken in relation to the sale or supply of alcohol to children under the age of 18;
- With a reputation for underage drinking;
- Where convicted sex offenders are housed.
- Where the supply of alcohol for consumption on the premises is the exclusive primary purpose of the services provided at the premises.

18.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.

18.4 Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.

23.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours, unless it is satisfied, following the statutory process prompted by receipt of relevant representations, that there are good reasons based on evidence for restricting those hours.

23.6 Where there are relevant representations in respect of an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives, then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

24.4 The Council recognises that licensing law is not a mechanism for the general control of antisocial behaviour by people once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However the Council must consider the potential detrimental impact on the surrounding areas from the operation of either individual or accumulations of

premises, where the premises are the predominant cause of resultant anti-social behaviour arising from drunkenness etc.

32.1 Where an application for the grant, variation or review of an authorisation is considered by a committee the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions have been made with regard to its statement of licensing policy and the Guidance issued by the Secretary under section 182.

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### **Extract of National Guidance issued under Section 182 of the Licensing Act 2003**

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.



8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

8.15 Any person (if an individual aged 18 or over) who is carrying on or who proposes to carry on a business which involves the use of premises (any place including one in the open air) for licensable activities may apply for a premises licence either on a permanent basis or for a time-limited period.

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a

businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed

must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV,

polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

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## Gwent Police Representations

Gwent Police have made representations which will assist in the promotion of the Licensing Objectives.

1. **The Prevention of Crime and Disorder**
2. **Public Safety**
3. **The Prevention of Public Nuisance**
4. **The Protection of Children from Harm**

Although the applicant has offered a CCTV condition Gwent Police would like the below wording to be added:

- CCTV shall be in use at the premises.  
Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the grant of the licence.  
The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place;  
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;

In addition,

- 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.
- An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation.
- The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
- Children must be accompanied by a responsible adult.
- All children shall vacate the premises by 22:00 hours.
- Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity.

- No bottles, cans or glasses are to be taken outside.
- Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

Gwent Police do not object to the removal of the mandatory DPS condition.

The aforementioned are proposed to assist in promoting the key licensing objectives. If the applicant wishes to discuss any issues they are welcome to contact me.



### **Licensing Authority in role as Responsible Authority Representations**

The licensing authority would advocate a number of conditions to promote the licencing objectives, in particular the prevention of public nuisance, in addition to the conditions proposed by the applicant, and the suggested conditions Trading Standards.

The conditions are as follows:

The premises licence holder shall ensure that an 'incident / refusals' logbook in a bound book is kept, 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.

The premises licence holder shall ensure that measures are in place to ensure the removal of litter or waste from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.

The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste

In addition to the above, for clarity, the Licensing Authority would suggest that that the adequate notices to be displayed in appropriate locations referred to by the Police in their representations, applies to both Children vacating the premises by 22.00 hours, customers outside the premises causing congestion etc., and no bottles, cans or glasses are to be taken outside.

Gadewir y dudalen hon yn wag yn fwriadol

### **Trading Standards Representations**

The application does not cover staff or members awareness on the sale of alcohol to over 18s who subsequently supply to those under 18 years of age, nor staff/members training. It is suggested that the operating schedule of the licence can be improved by the addition of the following conditions.

All staff/members who serve 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

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.

Gadewir y dudalen hon yn wag yn fwriadol

## **Environmental Health Representations**

Environmental Health have no objections in principle to the premises license application for Wattsville Community Group, subject to agreement with the applicant for the following condition:

- No waste or bottles should be moved to external areas between 23:00 and 08:00.

Gadewir y dudalen hon yn wag yn fwriadol

## **Representations by Resident A**

I am writing to put forward my objections to the music and alcohol licences applied for by Wattsville Community Group. At the present time we already have to endure extreme foul language with Wattsville Football club when they are training and playing matches at the pavilion to the extent that we cannot allow our grandchildren in our back garden and if the football club will be using these premises then this will obviously escalate with alcohol being served at the premises.

From Crosskeys to the Wylie there are already at least 10 pubs and clubs, including 1 in Wattsville itself, why is there the need of another one in such close proximity?

My wife is up at 5 0 clock in the morning to go to work, we already have to sleep in the back of the house due to the amount of traffic that comes through the village so this will have a large impact on our lives and our health through lack of sleep.

During the summer we had a taste of what would happen if the licences were awarded.

When we were all supposed to be keeping to safe distancing rules due to the pandemic, the people who were there doing work at the pavilion went against all national advice by camping out in tents by the pavilion using it like a private club with not a mask in sight accompanied by loud music, which we put up with as thought it was a temporary measure. I understand that they were outdoors but they were going in and out of the pavilion as if the pandemic rules didn't exist and weren't obviously from the same household..

If they have such a disregard for something so important and essential to public health how can they be responsible enough to have the licences awarded to them? I am also surprised that in the current climate such licences are being considered.

If mediation is deemed necessary then I am willing to take part. We are awaiting your decision on this matter and hope that for once common sense will prevail and that residents will have the outcome they deserve.

Gadewir y dudalen hon yn wag yn fwriadol



## **Supplementary Comments**

Thanks for the email, with reference to our previous telephone conversation after reading your email about the conditions under which the licence could be granted I am still adamant that the licence should not go ahead under any circumstances, and during the conversation you said if I don't withdraw my objection there is no need for me to partake in any counselling sessions with the applicant and yourselves.

Thank you for your help in this matter,

Gadewir y dudalen hon yn wag yn fwriadol

## Residents B Representation

RE: Objection against the Entertainment and Alcohol Licences for the Sports Ground Pavillion, Wattsville Recreational Ground at Islwyn Road South Lane, Wattsville, NP11 7QH.

I wish to put in writing my objection to the application for a New Premise Licences for the Sports Ground Pavillion, Wattsville Recreational Ground. This will include a Music Licence and a Sale of Alcohol Licence. I was also disappointed in the way this has been handled. If it wasn't for a local walking passed the front of the pavillion where they saw a notice on the door, no one would have even known an application had been applied for. None of the local residents had been approached or informed of any of their intentions. I have since learned that a meeting was held, but how would we have known this was going to happen. It appears that people are trying to control the information and make sure that the bare minimum is being done as to reduce any opposition. Public Safety and Parking At the moment, people feel safe walking down the lane at night whether it be walking the dog, coming from the car or even just walking down the lane towards their destination. At present, there are no street lights along the lane and no lights in the pavillion car park. So, with the inevitable addition of people coming out of the pavilion late at night, it could create an uncomfortable place that could impact local residents. All our cars are parked at the rear of our properties, and residents will be reluctant to go out late at night. No one should feel anxious about leaving the house in the evening, wondering whether they will now encounter rowdy or inebriated people if going for a walk or going to their car. We have already had near accidents over the years, for example people showing off when driving out of the carpark up the narrow lane to the main road. If there are more people, there will be more cars, and more risk. Cars on the main road do not want to wait for cars turning into the lane. As there is no public pathway in the lane itself, people, including young children, are forced to walk down it, putting themselves at risk. Furthermore, this will also increase the risk to residents' cars which are parked nearby, or in the pavillion car park. There is a proposal to extend the car park in the future. I believe that this should be a priority - currently the carpark cannot even accommodate home and away team players, let alone their respective supporters. If a licence is granted this will increase the number of people wanting to park in an already overcrowded area. The carpark that is in front of the pavillion has been used by residents for years as an overflow, as there is very little parking on the main road. This will almost certainly create a conflict if residents can't park when they come home from a long day at work. The parking of football players and team supporters is already an issue during match days and training sessions. There's often a complete disregard to safe parking and some take up more space than is required. Supporters also park in front of residents' driveways, and on more than one occasion neighbours have been blocked in, or are unable to access their garage. Use of the Pavillion, and the Prevention of Crime and Disorder Is the designated use of the pavillion only for registered members and private hire, or will this be open to the general public? What is the maximum number of people the facility can accommodate? I believe that the trustees are all members of Wattsville Football Club, and they are providing most of the money and labour into developing this project. Consequently, they will have a say in what the club is used for, and when. On the 7th May 2020, Wattsville FC tweeted "Exciting times!! We are in the process of acquiring our very own pitch side clubhouse". This implies that the facility is more for the use of the football club than for the community as a whole as previously advertised on the Facebook community group funding page. The licence application is from Monday to Saturday until 23:00 and on Sunday until 22:00. With drinking up time and talking in the carpark including long goodbyes, the increased level of noise and disturbance could potentially occur every night, impacting nearby residents. The applicants have stated that they have only applied for a daily licence due to costs, but this allows the pavillion to be to be used whenever they want to, if they want to. There is already an established club in Wattsville within walking distance from the pavillion. With the government encouraging us to support local businesses that may be

struggling in this current climate, would it not be better to promote a local business that already exists? The Wattsville Jubilee Club has already shut down in recent years due to lack of local trade, so it would be disappointing to lose the Wattsville National Club too. Facilities will need to be provided for smokers, as the pavillion will not have smoking on the premises. Due to the surrounding green space, there will be a high risk of forest fires. There have been local forest fires over recent years which have caused devastation to vegetation and the landscape. They have also caused anxiety for local residents. Public Nuisance We need reassurance that the noise or music will not be too loud. This will need to be moderated and reinforced. We have already had instances where there has been total disregard to nearby residents while the applicants were working on the the outside of the premises. On two consecutive weekends I have had to ask them to turn down the music. They eventually did but then turned it back up again after a while so I had to ask again. I felt that the request was met with a joke and a giggle, and looking at their body language they didn't think that they were doing anything wrong. However, the level was unacceptable as I could hear it in my kitchen with the back door shut. We should not have to deal with this through the summer when all the doors are open. Even when they played music inside with their patio doors open around the back in the pavillion you could still hear their music. We all appreciate our back gardens, and enjoy sitting out in the nice weather, but no one wants to listen to other peoples' music at that volume. The Natural World Nature is a beautiful thing and we should nurture it. The sightings of foxes, rabbits and hedgehogs have increased over the past couple of years. The reduction of green areas and the increased footfall and noise as mentioned previously will bring, with this application, reduced sightings. Hedgehogs, for example, are already at risk, and we should be doing everything we can to protect them from further harm. The recent erection of fence at the rear of the pavillion has already reduced access of green space to the public. I understand that dogs should not play on the pitch due to maintain health and safety, but this fence has clearly reduced our access. If you include the proposed car park, access will be reduced further. Recycling and General Waste Collection Another issue is that although our recycling is collected at the front of our properties, our general waste is collected at the back of our properties where the pavillion is based. I am concerned as to how the users and licence applicants of the pavillion will participate in the county's recycling scheme. This is because there are currently no provisions for collection at the back of the property due to the size of the collection vans. When it comes to general waste, provisions will also need to be made for it to be collected on our designated day, rather than left at the refuse point to be collected. On previous occasions, it has been noticed that general waste has been left outside the pavillion for extended periods of time. This is not only unsightly, but also a hazard for residents, walkers, children, and wildlife. This could also impact parking facilities. COVID-19 Finally, with the coronavirus still restricting how we live our lives, is this an appropriate time to consider a new licence for the pavillion? Training sessions for players of all ages occur most days at the pavillion, and there is also suggestion that not all players and spectators are from the Caerphilly County Borough area. If the application is successful, the gathering of large groups is concerning as there are more lockdown restrictions currently in place in surrounding areas too. I am concerned that outdoor gatherings will get out of hand, and this should not be encouraged during this current climate. It is clear that the current restrictions will be in place until a vaccination is found, so we need to be mindful of managing the risk now and in the near future, before it is too late.

## **Supplementary Comments**

Thank you for your reply. We understand the music and alcohol license automatic entitlement as described below.

We are not totally against the license but the frequency of the days requested for the license. We would be happier if it was two to three days and did not include a Sunday. We would like to see how the club house license is managed over fewer days before a full license is given.

The advice regarding the online meeting is useful and for that reason I would like to be sent the invitation.

Gadewir y dudalen hon yn wag yn fwriadol

## **Supplementary Comments**

I am sorry, but your email response does not address our concerns. The response regarding flexibility allows the licensee to hire out the premises any day of the week- potentially every day of the week. This means all our concerns regarding noise, anti social behaviour and the high amount of traffic in a small area will still be there. Also, we won't know whether the venue is hired out until we see the traffic and hear the associated noise with the event hire. The financial constraints mentioned also implies that there will be a requirement by the licensee to hire out more often than not in order to obtain funds to finance other activities.

Whilst we appreciate that the licensees want to work with the residents here, they are not living next to the Pavilion so will not have to live with the consequences of their hires. Our concerns are highlighted above and there appears to be no change to the license conditions at this stage.

Gadewir y dudalen hon yn wag yn fwriadol



## **Response to Residents**

We would love the opportunity to enter into dialogue with the residents. Please see below for our response:

Though we have applied for the premise license at these times we do not anticipate on the pavilion being open at all these times. The reason behind applying for these times are two-fold; Flexibility & Financially.

Firstly by having the Premise licence in place for every day of the week enables any member of the community to hire the pavilion (subject to a hire agreement) with the premise licence in place, thus giving us the flexibility to hire out the pavilion any day of the week.

Secondly, should we apply for the license of reduced days as suggested and then increase the number of days this would create more costs. As a charity we are dependant on donations and grants and where possible will avoid all unnecessary costs.

I would also like to add that as trustees of the charity we would love to work closely with the neighbours of the pavilion and ensure that all community members are on board with what we are trying to achieve. Should any neighbour or community member have any concerns whatsoever with the management or development of the pavilion the trustees are more than happy to address these concerns.

Gadewir y dudalen hon yn wag yn fwriadol