

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 Llun, 17 Mai 2021

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Is-bwyllgor Trwyddedu a Gamblo** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Llun, 24ain Mai, 2021** 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.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n bresennol ac/neu sy'n siarad yn ystod ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor yn www.caerffili.gov.uk

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.

A greener place Man gwyrddach



Atgoffi'r Cynghorwyr 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 Cynghorwyr a Swyddogion.

I dderbyn ac ystyried yr adroddiad canlynol:-

- 3 Penderfynu Ar Gais Am Drwydded Eiddo -Valley Tavern, 15 Stryd Fawr, Trelyn, Coed Duon, NP12 3UD.

1 - 40

Cylchrediad:

Cynghorwyr J. Simmonds (Cadeirydd), Mrs D. Price 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. 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 neu ffoniwch 01443 863028.



LICENSING AND GAMBLING SUB COMMITTEE – 24TH MAY 2021

SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION

REPORT BY: LEE MORGAN LICENSING MANAGER

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1. Application Details – Valley Tavern Limited

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Valley Tavern Limited	Valley Tavern, 15 High Street, Fleur De Lys, Blackwood, NP12 3UD	Variation of Premises licence

1.1 Application for Variation of a Premises Licence

An application has been submitted to apply to vary the premises licence for the above premises under the Licensing Act 2003. The proposed application for consideration is set out in 1.3 of this report.

The applicant Valley Tavern Limited currently holds a Premises Licence which permits the sale of alcohol, exhibition of film, live and recorded music, performance of dance, late night refreshment and boxing/wrestling entertainment.

1.2 Site Plan/Photographs

The plan of the existing licensed area authorised under a Premises Licence is reproduced as **Appendix 1**.

A map of the local area is reproduced for Members attention as **Appendix 1a**.

1.3 Proposed variation to Trading Times and Licensable Activity

The following is an extract from the application submitted by the Applicant:

Following a redesign of the premises we wish to revise the plan of the property that is included on the current premises licence. The previous café area has been converted into one large bar area. The front entrance to the property has also changed as shown on the property drawing attached. The opening times of the premises will be 08.00am to serve food but no change to alcohol hours before 11.00am.

An updated plan of the premises has also been provided as part of the Variation application, this is reproduced for Members information as **Appendix 2**.

- 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:-

‘Same as Licence.’

- 1.3.2** No Conditions are to be removed as part of the variation application.

- 1.3.3** A redacted copy of the existing licence is reproduced for Members information as **Appendix 3**.

1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy **Appendix 4**

National Guidance **Appendix 5**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

The Local Health Board, Environmental Health (Pollution Team), Child Protection Officer, Licensing Authority in role as Responsible Authority and Police have all responded to indicate no representations in respect of the application.

There are no Responsible Authority Objections / Proposed conditions in respect of the variation application.

1.5.2 Other Persons: Local residents

There have been two resident objections received during the 28 Day consultation period for the variation application.

Document	Date Received	Appendix Reference
Resident Objection (a)	26/4/2021	Appendix 6
Resident Objection (b)	26/4/2021	Appendix 7

1.6 **SUMMARY OF REPRESENTATIONS**

Two residents have made objections to the variation application.

Resident (a) expresses concern about the extension made to the bar with a stage and seating along the front wall under the windows and fears that noise will increase substantially. There are concerns if the windows are open in the summertime then the noise will be far worse. The resident alludes to the fact that this has happened in the past.

Reference is made to problems which had happened in the past namely rowdiness, fighting, urination in the street, broken glass and noise from taxis. Reference is made to Police involvement previously. The resident sums up that it is hoped that things will improve in the future.

Resident (b) expresses concern that by changing the café into a bar area that there will be increased noise coming from the front of the pub and references where there were three doors, there would now be one to limit any noise. Reference is made to the movement of the doorway which could impact upon OAP Housing. Furthermore, reference is made to a current condition in respect of opening of windows at the premises.

There have been no representation responses from the Local Health Board, Environmental Health Officer (Pollution Team), Child Protection Officer and Licensing Authority in role as Responsible Authority and Gwent Police.

1.7 **APPLICANT RESPONSE**

No response to date has been received in relation to the comments of the resident objectors.

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

A full variation application has been submitted by the Applicant following works to the interior layout / configuration of the premises and that to the main access to the premises. Members will be aware that the plan of the Premises forms part of the premises licence and an application therefore required to demonstrate the change of layout.

The Applicant has used the application to notify the Authority of his intention to open the premises from 08.00hrs for the purpose of serving food. Members will be aware that the provision of food at this time would not constitute a licensable activity. In addition, opening hours themselves do not constitute a licensable activity.

There are no changes to any licensable activities proposed as a result of the application.

Following the 28 Day consultation period on the variation application, two objections have been received from local residents.

National Guidance at paragraph 9.9 states *'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.'*

Paragraph 28.21 of the council's licensing policy details *'Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.'*

There were no objections received nor conditions proposed by any of the Responsible Authorities following the application. The lack of comments from Responsible Authorities (RA's) would indicate that they are 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 or indeed the application submitted at this time.

However the comments of the residents and the concerns expressed in Appendices 6 & 7 have been forwarded to Gwent Police, Environmental Health Officer (Pollution Team) and

Licensing Authority in its role as a Responsible Authority in order that they are able to contact the residents in relation to their comments and take any action deemed to be appropriate.

Should the allegations relating to crime and disorder, public nuisance and anti-social behaviour be witnessed by residents and the promotion of the licensing objectives be undermined, then residents should bring these matters to the attention of the Police, Environmental Health and Licensing team by way of complaint, in order that they can be investigated.

The applicant appears aware of his existing conditions attached to the Premises Licence as within the Operating Schedule of his application, the applicant has indicated that steps to promote the Licensing Objectives are 'Same as Licence.'

The Council's Licensing Policy at Paragraph 26.1 states '*All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.*'

There are specific conditions already attached to the Premises Licence to afford protection to local residents in relation to noise from entertainment. Residents should therefore contact Environmental Health Pollution Team Officers if entertainment noise is intrusive within the curtilage of their properties. Such matters can be investigated in relation to whether noise is a statutory nuisance under the Environmental Protection Act.

To determine whether there is a statutory nuisance, matters are normally investigated through monitoring of the premises following a stepped approach to advice, guidance and ultimately enforcement. Where evidence of Public Nuisance is established, this could give rise to Review proceedings of the Premises Licence under the Licensing Act. Should there be evidence where other licensing objectives are being undermined i.e prevention of crime and disorder, public safety or protection of children from harm, then Review proceedings could follow.

The National Guidance at paragraph 11.1 details '*The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.*'

However the Council's Licensing policy at paragraph 11.7 also recognises that '*The Licensing Authority recognises that beyond the immediate area surrounding the licensed 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. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.*'

1.10 RECOMMENDATION

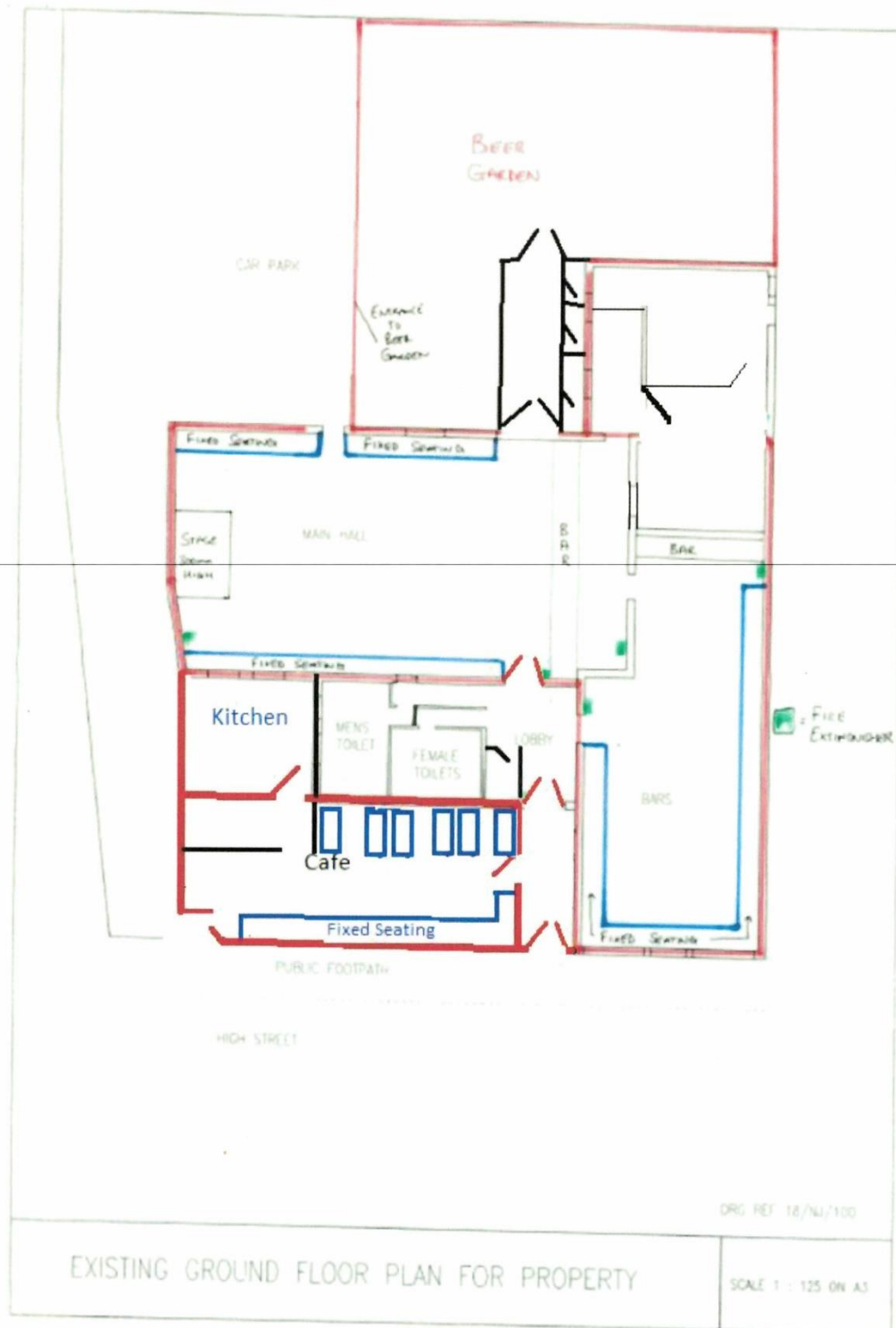
Members of the Sub Licensing Committee will be required to determine the application in relation to the promotion of the four licensing objectives i.e prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

Having had regard to and considered the comments received from the local residents. Given the nature of the variation application i.e to regularise the layout in relation to the plans of the premises in the absence of any concerns to the application from Responsible Authorities, it is recommended that the application for variation of Premises Licence be **approved**.

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

Date of this report: 12th May 2021

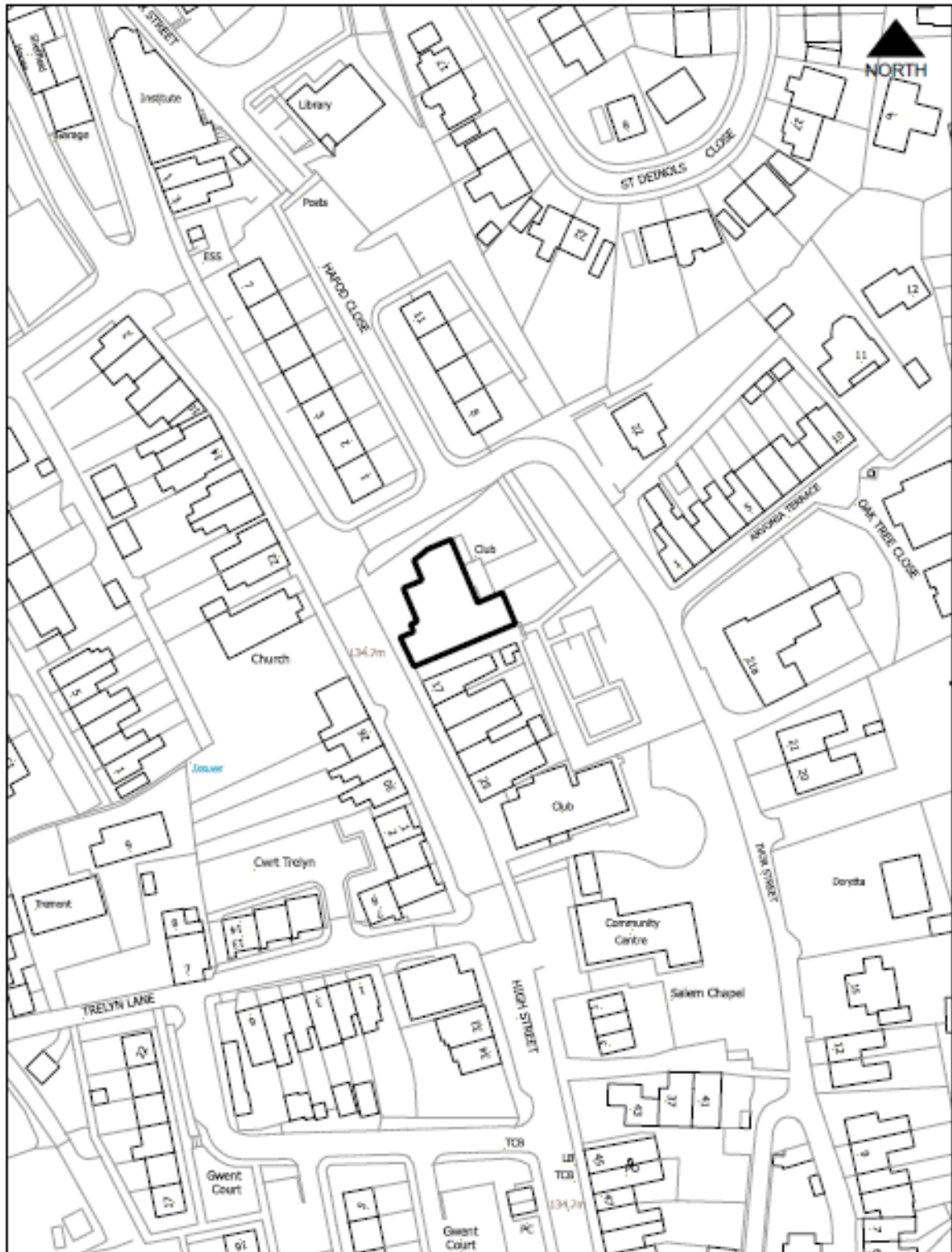
Author: Lee Morgan – Licensing Manager Tel: 01443 866750
Morgal16@caerphilly.gov.uk



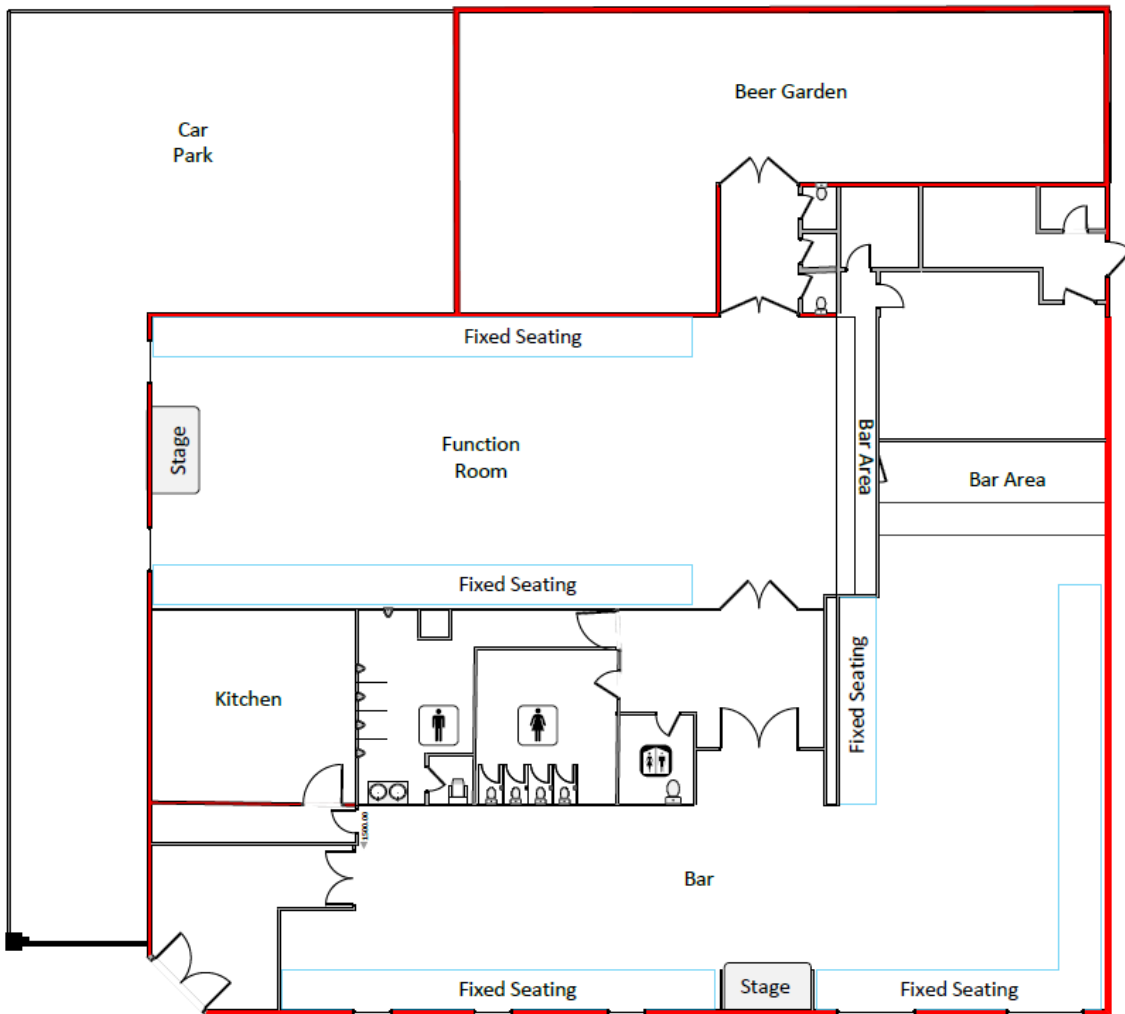
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Caerphilly County Borough Council

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Gadewir y dudalen hon yn wag yn fwriadol



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PREMISES LICENCE SUMMARY



Premises Licence Number	PRM604
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Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

Valley Tavern
15 High Street
Fleur De Lys
Blackwood
NP12 3UD

Telephone number 07852897882

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Films, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance, Provision of late night refreshment, Supply of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol

Sunday to Thursday inclusive, 11:00 to 00:00

Friday and Saturday 11:00 to 01:00

New Years Eve and Boxing Day 11:00 to 01:00

On days where live sporting events are broadcast, 00:01 to 00:00

Films, Boxing or Wrestling Entertainments, Live Music, Recorded Music, Performance of Dance

Monday to Thursday inclusive, 10:00 to 23:00

Friday to Sunday inclusive, 10:00 to 00:00

Late Night Refreshment

Monday to Thursday inclusive, 23:00 to 00:00

Friday to Sunday inclusive, 23:00 to 01:00

A licence is not required for **live music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

A licence is not required for **recorded music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

A licence is not required for **performance of a play** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

A licence is not required for **performances of dance (excluding exhibitions of dance of an adult nature)** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

The opening hours of the premises

Sunday to Thursday inclusive, 11:00 to 00:30

Friday and Saturday inclusive, 11:00 to 01:30

New Years Eve and Boxing Day 11:00 to 01:30

On days where live sporting events are broadcast, 00:01 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Supply of alcohol for consumption on the premises

Name (registered) address of holder of premises licence	
Valley Tavern Limited	
15 High Street	
Fleur De Lys	
Blackwood	
NP12 3QW	

Registered number of holder, for example company number, charity number (where applicable)

11692561

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Nathan Jenkins

State whether access to the premises by children is restricted or prohibited

Not Applicable



PREMISES LICENCE

Premises Licence Number	PRM604
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Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description Valley Tavern 15 High Street Fleur De Lys Blackwood NP12 3UD
Telephone number 07852897882

Where the licence is time limited the dates Not Applicable

Licensable activities authorised by the licence Films, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance, Provision of late night refreshment, Supply of alcohol

The times the licence authorises the carrying out of licensable activities Alcohol Sunday to Thursday inclusive, 11:00 to 00:00 Friday and Saturday 11:00 to 01:00 New Years Eve and Boxing Day 11:00 to 01:00 On days where live sporting events are broadcast, 00:01 to 00:00 Films, Boxing or Wrestling Entertainments, Live Music, Recorded Music, Performance of Dance Monday to Thursday inclusive, 10:00 to 23:00 Friday to Sunday inclusive, 10:00 to 00:00

Late Night Refreshment

Monday to Thursday inclusive, 23:00 to 00:00

Friday to Sunday inclusive, 23:00 to 01:00

A licence is not required for **live music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

A licence is not required for **recorded music** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

A licence is not required for **performance of a play** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

A licence is not required for **performances of dance (excluding exhibitions of dance of an adult nature)** within the premises providing it takes place between 08.00 – 23.00 and the audience does not exceed 500 people.

The opening hours of the premises

Sunday to Thursday inclusive, 11:00 to 00:30

Friday and Saturday inclusive, 11:00 to 01:30

New Years Eve and Boxing Day 11:00 to 01:30

On days where live sporting events are broadcast, 00:01 to 00:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Supply of alcohol for consumption on the premises

Part 2

Name (registered) address, telephone number and e mail (where relevant of holder of premises licence)	
Valley Tavern Limited 15 High Street	
Fleur De Lys	
Blackwood	
NP12 3QW	

Registered number of holder, for example, company number, charity number (where applicable)

11692561

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Nathan Jenkins

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

PER2148

Caerphilly County Borough Council

Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol

1. Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. No supply of alcohol may be made under the premises licence –

At a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
(ii) drink as much alcohol as possible (whether within a time limit or otherwise);
(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 (a) a holographic mark, or
 (b) an ultraviolet feature.

7. The responsible person must ensure that—
 (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 (i) beer or cider: ½ pint;
 (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 (iii) still wine in a glass: 125 ml;
 (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory condition: banning of the sale of alcohol below the cost of duty plus VAT

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

- (2) For the purposes of the condition set out in paragraph 1 -

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

“permitted price” is the price found by applying the formula –

$$P=D+(D \times V)$$

Where –

P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“Value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless sub-section (3)(b) applies, admission or children must be restricted in accordance with any recommendation made by that body.

(3) Where -

the film classification body is not specified in the licence; or

the relevant licensing authority has notified the holder of the licence that this sub-section applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section -

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in sub-section (1) requires such a condition to be imposed

–

in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises within premises licences authorising plays or films); or

In respect of premises in relation to –

any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence); or

any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section -

“security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies; and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 – Conditions consistent with the operating schedule

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.

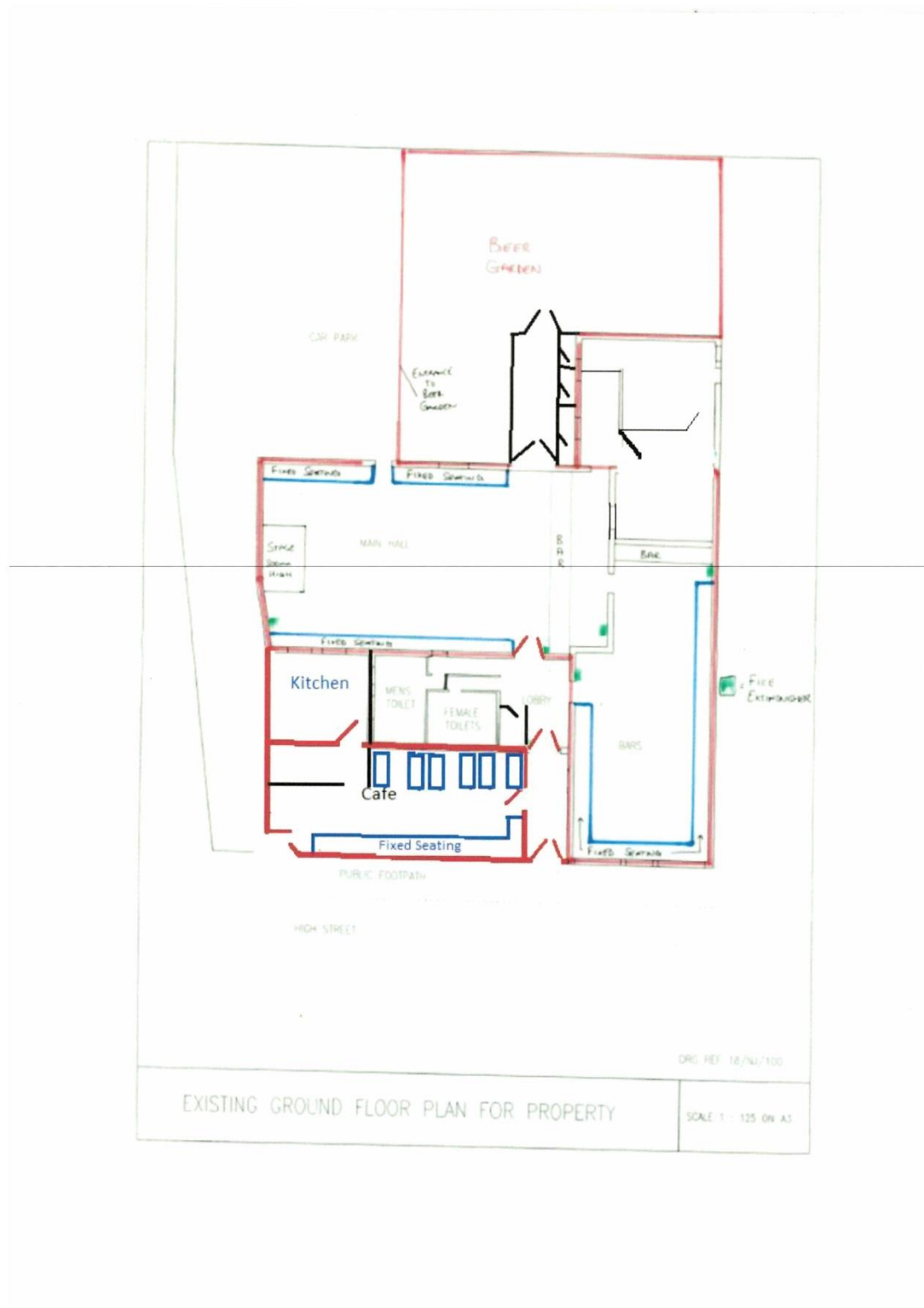
5. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented 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 required the designated premises supervisor, or in his / her absence other 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.

Annex 3 – Conditions attached after a hearing by the licensing authority

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. The designated smoking area, as referred to in condition 7 shall not exceed the capacity of 10 persons at any one time after post 22.00.
9. 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
9. 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.
10. All lighting for external areas of the premises must be aimed so the beam does not cause nuisance to the surrounding residential areas.
11. All external lighting must be turned off when no longer required.

Annex 4 – Plans



Extract of Statement of Licensing Policy

5.6 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.

5.7 Applicants and existing licensees should be mindful of local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.

10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

10.3 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.

11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. 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 these parties which may be disproportionate and unreasonable.

11.2 The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.

11.3 The Licensing Authority recognises that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being. The Licensing Authority recognises the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can

contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases. Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

11.5 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. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

11.6 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.

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed 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. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

11.8 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring.

14.3 Amendments to the Act has inserted the term 'other person' to replace 'interested party' as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:-

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local councillors
- Businesses with an interest in the premises or locality.
- Organisations with an interest in the locality, premises or licensable activities.

22 The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; • The protection of children from harm.

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

25.7 Conditions on a licence: • Must be appropriate for the promotion of the licensing objectives; • Must be precise and enforceable; • Must be unambiguous and clear in what they intend to achieve; • Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation; • Must be tailored to the individual type, location and characteristics of the premises and events concerned; • Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case; • Should not replicate offences set out in the 2003 Act or other legislation; • Should be proportionate, justifiable and capable of being met; • Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and • Should be written in a prescriptive format.

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.

27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.

28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.5 Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.

28.7 Whilst the Licensing Authority expects representations to be evidence based, 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 it is recognised that in fact this would not be possible for new premises.

28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.

28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

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.

2.21 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.

8.41 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.

9.3 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.

11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.

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.

Gadewir y dudalen hon yn wag yn fwriadol

Resident Objection (a)

APPENDIX 6

** High Street
Fleur-de-lis
Blackwood
Gwent
NP12 3DB

The Licensing Section
CCBC

**Application of Change of Valley Tavern
High Street Fleur-de-lis**

I am writing to express my concerns regarding changes to the above premises.

I fear because the bar has been extended at front of club and a stage put in, with seating along the front wall under the windows that the noise will increase substantially.

If window is opened in the summer or anytime, as had happened in the past, the noise will be far worse. They should remain closed unless there is a problem with the air conditioning.

Local residents have experienced many problems in the past such as:-
Rowdiness, bad language, and noise. Fighting on the street and front gardens of residents, smoking on pavement outside club and discarding dog ends, glasses and bottles being left around outside, even on car roofs, vanishing inside of alley, using drugs. Taxis blowing horns while waiting for customers late at night. Fighting on the road obstructing vehicles causing more horn blowing.

The Police have had to attend several times in the past.

I hope thing will improve in the future and clientele act responsibly when leaving club as residents and neighbours many who are elderly and nervous deserve some respect and not have their lives made a misery.

Yours faithfully

Gadewir y dudalen hon yn wag yn fwriadol

Resident Objection (b)

APPENDIX 7

** Trelyn Lane
Fleur-de-lis
Blackwood
Caerphilly
NP12 3XU

The Licensing Section
CCBC

I am objecting to the application by
VALLEY TAVERN

By turning the café area into a BAR area with entertainment it will increase the noise coming from the front of the pub effecting residents in the area there will be only one door between the noise and entrance were as before it required three to limit the noise.

Anti-social behaviour smoking then dropping cigarette ends on the pavement as they smoke by the entrance with door opened helped by smoking security guards. They also urinate in alley between Tavern and shop as it is dark there.

By moving entrance to the north it will cause noise and other disruption to the OAP housing.

How can they use car park entrance with people queuing to get in.

As you are aware they open windows using clause added to license by someone after the license meeting was finished. They promised you many times over the years to solve their problem but failed. I now believe it is time to remove this clause as part of new license otherwise they will carry on opening the windows forever.

Air con not capable of enough ventilation for extra capacity.

What is the maximum amount of people allowed in one time?

Has there been any changes whatsoever in the area covered by the beer garden?

Yours faithfully

Gadewir y dudalen hon yn wag yn fwriadol