



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON
FRIDAY 18TH JUNE 2021 AT 10.00 A.M.

PRESENT

Councillor W. Williams – Vice-Chair (Presiding)

Councillors:

D. Cushing, Mrs D. Price

Together with:

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

Representing the Applicant

Mr W. Brinkley and Mr S. Prosser (Wattsville Community Group)

Representing Responsible Authorities

A. Brown (Environmental Health Pollution Team), A. Dicks (Licensing Authority as
Responsible Authority), D. Lewis (Children's Services), Inspector A. O'Keefe (Gwent Police)

INTRODUCTION AND RECORDING ARRANGEMENTS

The Chair welcomed all those in attendance and introductions were made. The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3 LICENSING ACT 2003 - DETERMINATION OF PREMISES LICENCE APPLICATION - SPORTS GROUND PAVILION, WATTSVILLE RECREATIONAL GROUND, ISLWYN ROAD SOUTH LANE, WATTSVILLE, CROSSKEYS, NP11 7QH.

The Legal Advisor to the Sub Committee outlined the procedure for the meeting, including the

order of representations and the opportunities for all parties to ask questions.

Mr Lee Morgan (Licensing Manager) presented the report and outlined the application submitted for the variation of a premises licence located at Sports Ground Pavilion, Wattsville Recreational Ground, Islwyn Road South Lane, Wattsville, Crosskeys, NP11 7QH.

Members were advised that the variation application sought to increase the existing licensable hours to permit the sale of alcohol and playing of recorded music (Indoors) Mon to Sat 12:00 to 23:00 and Sun 12:00 to 22:00 with additional non-standard timings for New Year's Eve until 02:00 and Bank holidays until midnight.

The application also sought an increase in the size of the licensable area including on & off sales to cover the external compound area to the rear of the building as per the plans attached to the report, and to add live music (indoors & outdoors) between the hours of 12:00 to 23:00 Monday to Sunday with additional non-standard timings for New Year's Eve until 02:00 and Bank holidays until midnight. Members were referred to the aspect of the application for live music and asked to note that the playing of live and recorded music at licensed premises is deregulated between 08:00 to 23:00 in any case under the Licensing Act 2003.

The applicant had also proposed the amendment of an existing condition to include additional CCTV cameras to the external areas of the premises.

During the 28-day consultation period, representations were received from Gwent Police, the Licensing Authority in their role as Responsible Authority, Environmental Health (Pollution Team), and the Child Protection Officer, who all advocated conditions in relation to the application as summarised in Section 1.6 of the report. No representation comments were received from the Fire and Rescue Service and Environmental Health (Health & Safety Team).

Representations were also received from three local residents in objection to the variation application with full details appended to the Officer's report. It was noted that the local residents were not in attendance at the hearing and the Sub Committee were directed to the comments that had been received that were included in the agenda pack.

Attention was drawn to the local policy considerations as set out in the report and to the way in which the Sub-Committee would deal with the application. Members were referred to the recommendation set out in the Licensing Manager's report, which recommended that given the lack of objections from Responsible Authorities and having regard to and considered the position of the Responsible Authorities and all comments received by residents, the variation of the premises licence be granted subject to the conditions and permitted hours as detailed within Appendix 10 of the agenda pack. However, there will be an expectation that the applicant will take steps to ensure familiarity and compliance with their licence and ensure the promotion of the licensing objectives.

All parties present were afforded the opportunity to ask questions of the Licensing Manager and none were received.

Representations were then invited from the applicant, Wattsville Community Group.

Mr Wayne Brinkley (applicant) addressed the Sub Committee and outlined the reasons for the variation application. He explained that a compound had been built to the rear of the premises building and that following the lifting of Covid-19 restrictions, it was realised that this area did not have an outside licence. Mr Brinkley outlined the overwhelming community support for the Sports Pavilion, with over 200 children enrolled in the associated football club and explained that the current licence restricts parents from being able to enjoy a drink whilst the children play matches. Mr Steve Prosser (applicant) added that the variation had been submitted in order to provide some flexibility around funerals and the European Football

Championship games, although the premises will not normally be open until 5.00pm but that the variation offers some flexibility in this regard.

Mr Prosser explained that he had discussed the application with one resident objector who were understanding of the proposals. He referred to previous Temporary Event Notice events (TENs) held at the club and had asked the resident if they had heard music from the premises after 18:00, to which the resident had not. He added that the variation would also give flexibility around private parties being booked at the premises. Mr Brinkley extended an invitation to objectors of the variation to come to the premises to meet with him and the bar manager and raise any concerns they may have so that these can be addressed.

All parties present were afforded the opportunity to ask questions. Mrs Deborah Lewis (Children's Services) asked if alcohol would be brought onto or near the sports pitch. Mr Prosser explained that the area is surrounded by a compound fence and that anyone wishing to drink in the outside area would have to come through the building, which allows full control of alcohol supply and consumption. Mrs Lewis asked who has responsibility for monitoring children on the pitch. Mr Prosser confirmed that this would rest with the parents, with the ages of children ranging from under-5s up to 13 years, and it is expected that it would only be the parents of older children enjoying a quiet drink whilst their children are playing football.

In response to queries from Mr Todd Rawson (Legal Advisor) regarding previous TENs, Mr Prosser confirmed that recorded music (but not live music) had been played as background music on Saturday and Sundays, and that although permitted hours under the TENs were 12:00 to 23:00, the latest music would have been played was at 22:00 and this would have rarely been after 18:00 hours due to events being held outside in April 2021 (owing to Covid provisions) during colder weather. Mr Prosser also confirmed that no complaints had been received following the TENs to his knowledge. Mr Brinkley confirmed that no further TENs were planned as as yet but that every year the club run a community tournament event. Mr Prosser added that the club has private parties pencilled in from 11:00am to 15:00 during every Saturday in August if the variation were to be granted.

Mr Rawson referred to the applicant's reasons given for the variation application and asked why they had been surprised to learn they did not have an off-sales alcohol licence for the outside area. Mr Brinkley explained they had wrongly assumed both indoor and outdoor areas were covered, as the compound area was completed prior to the application for the original licence.

Mr Brinkley responded to queries from the Sub Committee regarding the serving of food and if the bar would be open during this period, and explained that food is not being supplied at the moment as Environmental Health arrangements have not been put in place; however there is scope to do so in the future, and that the children's football matches finish before 12:00noon so children will be gone from the area by then.

The Sub Committee sought clarification on the applicants' communication with residents. Mr Prosser explained that he had had conversations with many local residents in support of the application but he was eager to hold meetings with objectors in order to allay their concerns. He explained that he has been able to establish contact with one of the objectors and has suggested holding a monthly meeting to discuss activities going forward and review the previous month's activities.

In response to queries from the Sub Committee regarding DBS checks and safeguarding training for staff employed at the premises, Mr Prosser explained that he is familiar with safeguarding procedures and that many staff are involved with the footballing side of the clubhouse so are already DBS checked. New bar staff have been employed in the last few weeks and will have to go through the procedures, and Mr Prosser confirmed that he would be willing to get everyone DBS checked. Mr Brinkley added that all bar staff have received ALPS training as a compulsory requirement of their role, and that all new staff are shadowed by more experienced staff during their shifts before being left on their own.

Representations were then invited from Responsible Authorities.

Inspector Andy O'Keefe referred to the representation from Gwent Police made by his colleague (PC Karina Williams). He confirmed that he had attended a site visit at the premises the previous day to confirm the conditions remained the same as when the report was completed and was aware of PC Williams' recommendations to the applicant. The applicants had agreed to the conditions, and subject to these being adhered to, Gwent Police had no objections to the proposed variation.

All parties present were afforded the opportunity to ask questions. The Sub Committee asked if any Gwent Police had any concerns around additional anti-social behaviour in the Wattsville area if the application were granted. Inspector O'Keefe confirmed that Gwent Police had proposed a number of conditions to strengthen the four licensing objectives, particularly around the Prevention of Public Nuisance, including signage to be displayed asking patrons to be considerate when leaving the premises, together with improvements to CCTV to assist the police if they were called to incidents at the premises.

A Member queried the extent of licensee responsibility for anti-social behaviour once patrons leave the premises. Inspector O'Keefe outlined the processes followed by Gwent Police to determine if increased anti-social behaviour is connected to a premises. If this is found to be the case, Gwent Police would engage with the licensee to put in place appropriate measures to reduce these issues. If such problems continue that are directly linked to the premises, then Gwent Police would be able to instigate a premises review so that the matter can be brought to the Licensing Sub Committee for determination.

Mr Lee Morgan (Licensing Manager) added to this explanation to state that it is recognised in statutory guidance and the Council's licensing policy that beyond the immediate area surrounding the premises, the control that can be exerted by a premises over an individual's behaviour diminishes.

Representations were then invited from the Licensing Authority as a Responsible Authority.

Mrs Annette Dicks (Assistant Licensing Manager) referred to her representation and confirmed that the Licensing Authority had undertaken a joint site visit to the premises with Gwent Police and Environmental Health. The Licensing Authority had advocated a number of conditions in addition to those submitted by other Responsible Authorities to control the use of the outside area and recommended a 30-minute drinking up time to assist in the dispersal of customers. However, the Licensing Authority had some concerns regarding the extended hours on bank holidays, given the proximity of the premises to residential properties, and advocated that these hours are reduced. It was confirmed that the applicant had agreed to the recommended conditions.

All parties present were afforded the opportunity to ask questions, and in response to Members' queries, Mrs Dicks confirmed that under the conditions proposed by the Licensing Authority, outside activity would cease at 22:00 and patrons could continue to consume alcohol inside until 23:00 followed by a 30 minute cooling-down period. She confirmed that the onus is on the licensee to ensure patrons are not outside after 22:00, and if the premises is found to be in breach, this could potentially lead to a premises review being instigated.

Representations were then invited from Environmental Health Pollution Control.

Miss Abbie Brown (Environmental Health Officer) confirmed that Pollution Control shared similar concerns to other Responsible Authorities regarding the use of outside areas and recognised that noise from this area could be problematic. Miss Brown confirmed she had attended the joint site meeting with the other Responsible Authorities to ensure the applicant is aware of their responsibilities in relation to noise mitigation, and had also visited one TEN event on 14th May 2021 but on that occasion it was raining with no outside activity at 21:00.

She supported the recommendations of the other Responsible Authorities to cease outdoor activity after 22:00 in order to alleviate potential noise disturbance. This would be subject to ongoing monitoring but no service requests regarding noise nuisance have been received to date, and so going forward, Pollution Control had no objections to the variation provided their proposed conditions were added.

There were no questions for Environmental Health and representations were then invited from Children's Services.

Mrs Deborah Lewis (Children's Services) referred to her representation and proposed conditions as set out in the report relating to staff training, an approved proof of age scheme and the prevention of under-age sales, which had been accepted by the applicant. She confirmed that Children's Services had no objections provided these conditions are adhered to. Mrs Lewis also confirmed that she had contacted the Council's Front Door safeguarding hub to enquire if there had been any increased referrals for anti-social behaviour within the community. There had been no such additional reports for the Wattsville area, and so provided the licensing objectives are adhered to, Children's Services had no objection to the variation application.

There were no questions for Children's Services. The Sub Committee noted that the local residents were not in attendance to make their representations. However Members were advised by the Licensing Manager that the comments of local residents were contained in the agenda pack and they should take these into account during their deliberations.

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

Mr Lee Morgan (Licensing Manager) made particular reference to Page 7 of his report in relation to the obligations of the licensee to uphold the licensing objectives and conditions of licence, and in referring to the representations from Responsible Authorities and local residents, impressed the importance of the responsibilities placed upon those who hold a premises licence. He referred to the protections afforded to local residents, which subject to being evidence based, and where there is evidence the licensing objectives are not being met, mean that any licence granted could equally be taken away. On that basis, the applicants were reminded that should the variation be granted, they need to be aware of any conditions that may or may not be applied and ensure these are met going forward.

Inspector Andy O'Keefe (Gwent Police) highlighted that although Environmental Health had proposed the cessation of outdoor activities after 22:00, there is an exception proposed for the outside area to be used as a smoking area after this time for up to 5 people, for which the use would be monitored, and should be noted by the general public in order to manage expectations. Inspector O'Keefe then reiterated the points raised by the Licensing Manager regarding the responsibilities of the applicants and staff and how they manage the premises. He reminded the applicants that should the concerns of local residents be substantiated, Gwent Police would work with the premises to try and address these issues and expect full co-operation, but in the event these recommendations are not met, there are further actions that can be taken with regards to bringing the premises back to the Licensing Sub Committee for review. However, provided the conditions and recommendations put forward are followed by the applicant, Gwent Police were happy for the variation application to proceed.

Mrs Annette Dicks (Licensing Authority) referred to her representation and highlighted that given the original licence was only granted in October 2020 and the premises has been closed for much of that time due to Covid-19 restrictions, much of the usage of the premises is untested, and so that was taken into her consideration in her representation, and formed part of the reason for the proposed cessation of outside activity after 22:00. She acknowledged there are exemptions under the Live Music Act and that following Covid restrictions, live music is now permitted to a point, but asked that should the variation be granted, the licence holder consider these matters when organising events.

Miss Abbie Brown (Environmental Health) echoed the comments of Gwent Police and the Licensing Authority. She highlighted the conflict for Pollution Control between the exemptions under the Live Music Act and the Environmental Protection Act 1990 but emphasised that if noise complaints are received and found to be justifiable under either legislation, then Environmental Health would be able to take action either through a premises review or through the separate legislation to curtail or take away the provision for outdoor activities. Miss Brown therefore encouraged responsible management of the premises going forward should the licence be granted.

Mrs Deborah Lewis (Children's Services) confirmed that she had nothing further to add save for the representations of the Responsible Authorities to ensure that all staff at the premises are aware of those expectations and be mindful that should any safeguarding concerns become apparent, Children's Services have a duty to investigate.

Mr Brinkley (applicant) thanked the Licensing Department for their guidance and emphasised that the premises would work hard with local residents to build a good rapport so that any concerns can be addressed straight away.

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

The Sub Committee retired at 11.00 a.m. to make its decision and all other parties left the meeting.

Following consideration of the application for the variation of a premises licence for Sports Ground Pavilion, Wattsville Recreational Ground, Islwyn Road South Lane, Wattsville, Crosskeys, NP11 7QH, and having regard to the Licensing Manager's report and all the representations made, the Licensing and Gambling Sub Committee unanimously

RESOLVED that the application for the variation of a premises licence as set out in Section 1.3 of the Licensing Manager's report be GRANTED, subject to the conditions as set out in Appendix 10 of the report. For ease of reference, these are attached to the minutes.

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

The Sub Committee gave weight that all Responsible Authorities had no objection to the variation sought on the basis that the further conditions agreed with the Applicants were put in place. The Sub Committee considered the conditions sought in Appendix 10 and determined that these were proportionate and appropriately targeted to ensure the promotion of the 4 licensing objectives.

The Sub Committee took into account that the period of closure of the premises due to Covid-19 restrictions could have artificially suppressed issues arising in relation to the operation of the premises. The Sub Committee gave weight to the operation of the recent Temporary Events Notices that have operated within the outdoor area and the evidence from the Responsible Authorities that this had not prompted any service requests to them, and the evidence from the Child Welfare Officer that based on her enquiries there had not been an increase in reports of anti-social behaviour in the area where the premises is located.

The Sub-Committee gave consideration to the written representations of the local residents. It determined that some aspects of the representations were not relevant to the 4 licensing objectives, such as issues regarding parking within a rear lane in connection to the use of the playing fields, and the people drinking at the premise not being from the village. It did not find on the evidence before it that this was an issue directly connected to the operation of the

licensed premises. In considering the representations regarding noise, the Sub Committee took into account that recorded and live music was to a large degree de-regulated from the Licencing Act. Whilst it noted the residents' representations as to noise, the evidence of noise issues arising to date was scant and provided little specific detail. The Sub-Committee took into account that the licensed premises would not be able to control anti-social behaviour that occurs at a distance from the premises. In this instance, the Sub-Committee did not find persuasive evidence that there had been instances of anti-social behaviour during the limited period of the premises being re-opened.

The Sub Committee took into consideration the mechanism for the Local Authority to review the licence when there are credible complaints received that licence conditions have been breached. The Sub Committee also took into account the evidence from the Environmental Health Officer that the de-regulation of entertainment in connection to a licensed premises did not exempt those premises from other noise pollution controls and regulation.

On balance, and after taking all of the evidence and representations into account the Sub Committee were satisfied that the variation sought, subject to the conditions agreed between the Applicant and the Responsible Authorities, would not diminish the 4 licensing objectives details above.

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

The meeting closed at 11.55 a.m.

Conditions applicable to the grant of the licence as per Appendix 10 of the Licensing Manager's report:

The times the licence authorises the carrying out of licensable activities.

Alcohol

Monday - Saturday, inclusive, 1200 to 2300

Sunday, 1200 to 2200

Bank Holidays and Saturdays & Sundays preceding bank holidays, 1200 to 0000

New Year's Eve, 1200 to 0200

Recorded Music (Indoor only)

Monday to Saturday, inclusive, 1200 to 2300

Sunday, 1200 to 2200.

Bank Holidays and Saturdays & Sundays preceding bank holidays, 1200 to 2300

New Year's Eve, 1200 to 0000

Live Music

Monday - Sunday, inclusive, 1200 to 2300

Bank Holidays and Saturdays & Sundays preceding bank holidays, 1200 to 2300

New Year's Eve, 1200 to 0000

Conditions

1. 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 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;

2. 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;

3. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during licensable hours.

4. CCTV to include all external and internal licensable areas

4. 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.

5. 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.

6. Children must be accompanied by a responsible adult.

7. All children shall vacate the premises by 22:00 hours & notices to be displayed to this effect.

8. 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.

9. No bottles, cans or glasses are to be taken outside & notices to be displayed to this effect.

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

11. 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.

12. 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.

13. 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. If no name is given, then a good description will be recorded. 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.

14. 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.

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

16. The use of the outdoor area be restricted to 22.00. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

17. The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

18. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.

19. The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in the premises, especially for outdoor events/use.

20. A 'Challenge 25' policy will be in place for checking persons suspected of being underage. No alcohol shall be supplied to a person who appears to be under the age of 25 unless they provide identification that proves that they are 18 years of age or older when the alcohol is supplied. The only acceptable forms of identification for proof of age shall be a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card. The proof of age scheme will be robustly enforced by the DPS and all staff. Posters stating that the age verification scheme is in operation shall be clearly displayed in the area of the bar.

21. Disorderly customers will be asked to leave the premises.

22. 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.

23. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

24. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated on an annual basis, or 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.

25. 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.

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

27. 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.

28. The use of all outdoor areas of the premises is not permitted after 22:00. Other than access solely for the use of a smoking area.

29. The smoking area shall not exceed the capacity of 5 persons at any one-time post 22:00 and a notice displayed to this effect.

30. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.

31. The manager, licence holder or other competent person shall carry out observations at the boundary perimeter during the periods of amplified/ un-amplified recorded entertainment at regular intervals whilst the Premises Licence is being exercised, in order to establish whether there is a noise breakout from the premises. If the observation reveals noise breakout at a level likely to cause disturbance to the occupants of properties in the vicinity then the volume of music shall be reduced to a level that does not cause disturbance.

- a. A record of such observations shall be kept in a book for that purpose, such a book shall be completed immediately after the observation detailing the time, location and duration of the observation, the level of noise breakout and any action taken to reduce noise breakout. Such book to be made available at all times upon request to an authorised officer of the Licensing Authority or a constable.