

Public Document Pack

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

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



www.caerphilly.gov.uk
www.caerffili.gov.uk

For all enquiries relating to this agenda please contact Rebecca Barrett
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

Date: 16th June 2021

Dear Sir/Madam,

A digital meeting of the **Licensing and Gambling Sub Committee** will be held via Microsoft Teams on **Tuesday, 22nd June, 2021 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHARRY'.

Christina HARRY
CHIEF EXECUTIVE

A G E N D A

- | | Pages | |
|---|-----------------------------------|--|
| 1 | To receive apologies for absence. | |
| 2 | Declarations of Interest. | |

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with Local Government Act 2000, the Council's Constitution and Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To receive and consider the following report:-

- 3 Determination of Club Premises Certificate Variation Application - Pontymister Welfare Bowls Club, Ty Isaf Pavilion, Pontymister, Risca.

1 - 50

Circulation:

Councillors W. Williams (Vice Chair Presiding), P.J. Bevan and D. Cushing

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

You have a number of rights in relation to your information, including the rights of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed. For further information on how we process your information and your rights please view the [Full Committee Meetings Privacy Notice](#) on our website or contact Legal Services by email griffd2@caerphilly.gov.uk or telephone 01443 863028.



LICENSING AND GAMBLING SUB COMMITTEE – 22ND JUNE 2021

**SUBJECT: DETERMINATION OF CLUB PREMISES CERTIFICATE
VARIATION APPLICATION**

REPORT BY: LEE MORGAN LICENSING MANAGER

--

1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Pontymister Welfare Bowls Club	Pontymister Welfare Bowls Club, Ty Isaf Pavilion, Pontymister, Risca	Variation of Club Premises Certificate

1.1 Application for Variation of a Club Premises Certificate

An application has been submitted to apply to vary the Club Premises Certificate 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, Pontymister Bowls Club, currently holds a Club Premises Certificate which permits the supply of alcohol.

1.2 Site Plan/Photographs

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

A map of the local area is reproduced for Members' attention **Appendix 2**.

1.3 Proposed variation to Trading Times and Licensable Activity

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

Removing current embedded conditions.

Adding the outside bowling green area adjacent to the pavilion for the consumption of alcohol as part of the licensing area. The bowling green is surrounded by a high hedge and has two solid entrance gates.

Extending provision of alcohol hours.

Adding provision of recorded and live music.

Varying opening hours.

An updated plan of the premises has also been provided as part of the Variation application, this is reproduced for Members information as **Appendix 3**.

- 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:-

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

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.

There shall be no consumption of beverages in any outside areas/specific after 23.00 hours.

A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.

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.

Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

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

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.

- 1.3.2** The following Embedded Conditions are proposed to be removed as part of the variation application.

By converting the certificate embedded restrictions are carried over from the Licensing Act 2003.

The times the licence authorises the carrying out of licensable activities are stated on your licence. Alcohol shall not be sold or supplied except during permitted hours.

These restrictions do not prohibit the supply to, or consumption by, any person of alcohol in any premises where they are residing.

This information has been taken from the guidance issued by the DCMS.

This is not an exhaustive list of relevant provisions of the Licensing Act 1964. You are advised to obtain your own legal advice if you have any queries in respect of the Licensing Act 1964 provisions.

- 1.3.3** Current Permissions – The current Club Premises Certificate (CLR019) permits the sale of alcohol -

On weekdays, other than Christmas day, Good Friday or New Year's Eve – 11.00am to 11.00pm.

On Sundays, other than Christmas Day or New Year's Eve 12noon to 10.30pm.

On Good Friday, 12noon to 10.30pm.

On New Year's Eve, except on a Sunday, 11.00 to 11.00pm.

On New Year's Eve on a Sunday, 12noon to 10.30pm.

On Christmas Day, as provided by rules of the club and notified in writing by the chairman or secretary of the club to the licensing authority. The said hours shall:

Not exceed six and a half hours; not begin earlier than 12noon; not end later than 10.30pm; provide for a break of at least 2 hours, including 3.00pm to 5.00pm; not extend for more than three and a half hours after 5.00pm.

On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day, which would be 11.00am if New Year's Day fell on a weekday or 12noon if a Sunday.

- 1.3.4** If the application were to be approved, then the following provisions on the Club Premises Certificate would then apply –

Supply of alcohol (on and off the premises)
Monday to Sunday 11.00am – 11.30pm.
New Year's Eve 11.00am – 02.00am

Live & Recorded Music

Monday to Sunday 7.00pm – 11.00pm (although provision already exists through live music exemption / deregulation between hours of 8am-11pm and this activity is therefore not licensable, so long as it takes place between the hours of 8am and 11pm whilst the premises are open for the sale of alcohol)
 New Year's Eve 11.00pm – 0.30am

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:

Police

Document	Date Received	Appendix Reference
Initial Representation	26/5/2021	Appendix 6

Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
Initial Representation	27/5/2021	Appendix 7

Environmental Health Officer Pollution Team

Document	Date Received	Appendix Reference
Initial Representation	27/5/2021	Appendix 8
Supplementary comments	1/6/2021	Appendix 8a

Child Protection Officer

Document	Date Received	Appendix Reference
Initial Representation	10/5/2021	Appendix 9

1.5.2 Other Persons: Local residents

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

Document	Date Received	Appendix Reference
Resident Objection a	26/5/2021	Appendix 10
Resident Objection b	21/5/2021	Appendix 11
Resident Objection c	26/5/2021	Appendix 12
Resident Objection d	24/5/2021	Appendix 13

1.6 SUMMARY OF REPRESENTATIONS

The Police make no objection to the application but raised a concern in respect of the use of the outdoor area late at night given the proximity of residential premises. The Police therefore advocated the use of the outside area be curtailed to 22.00hrs. The Police advocate the use of the Challenge 25 Proof of Age policy at the premises and training for staff members in relation to underage sales, dealing with difficult customers and safeguarding. The Police advocate the use of a refusal register and notices / signage in relation to persons found in possession of drugs / weapons and leaving the area quietly.

The Licensing Authority in its role as a responsible authority has not objected but has sought curtailment of the outside area to 22.00hrs. In addition, it was advocated that any live/recorded music held on New Year's Eve was brought back to 00.30hrs. A requirement to monitor the outside area on a regular basis was also proposed and accepted by the applicant.

Where regulated entertainment is held the Environmental Health Officer has advocated that 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. In addition, a requirement that windows/doors are closed except for access / egress. The Environmental Health Officer has also specified a requirement requiring the applicant to conduct perimeter checks during periods of regulated entertainment. A condition has been advocated to limit the numbers of persons smoking outside after 10pm to 5 persons.

The Child Protection Officer has advocated a condition in relation to documented staff training in relation to underage sales of alcohol.

Four residents have made objections to the variation application.

Resident a comments that they reside in the close proximity to the club and are concerned about the impact of increased hours and music noise, which they reference has been the case when functions are held. Reference is made to not being made aware of the application.

Resident b comments upon the impact upon the application upon members of their family in relation to possible sleep implications. Reference is made to the premises being kept as a bowls club. Concern is expressed about hearing about the application via Social Media.

Resident c expresses concern in relation to noise and increased footfall given her close proximity to the club. Concern is also expressed in relation to the notification of the application.

Resident d details concerns about noise and impacts upon sleep of family members. Reference is made to finding out about the application via Social Media and concerns in relation to parking of vehicles.

1.7 APPLICANT RESPONSE

The applicant has responded to the comments of the Responsible Authorities agreeing to their proposals in relation to use of the outside area and limiting of

entertainment until 23.00hrs. The applicant has also responded to resident concerns in a letter dated 28th May 2021. The applicant's response to residents is reproduced as **Appendix 14**.

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

The application for variation has arisen primarily as a result of a query to the licensing department in relation to the outdoor re-opening following the latest coronavirus restrictions and relaxations. The club were notified that its existing licensed 'footprint' related only to the pavilion building and not the wider bowling green (outdoor) area itself, whereas the club appears to have been using the same for the supply of alcohol over a number of years. The variation application appears to have been made to address this oversight.

Following the 28 Day consultation period on the variation application, four objections have been received from local residents. From the representations provided the residents premises and their gardens appear to border the bowling green.

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.'*

To provide some clarification in relation to the advertising of the application and comments in relation to finding out about the application via Social media. The Licensing Act requires the placing of a Notice on the premises, an advert in a local newspaper and the application to be advertised on the local authority's website. There is no requirement under the Licensing Act to individually notify local residents. The Licensing department is satisfied that the applicant has met their legal obligations in respect of advertising of the variation application.

The Responsible Authority's (RA's) in this instance Police, Environmental Health Officer and Licensing Authority in role as Responsible Authority have not objected to the increased hours sought by the applicant and the additional licensable area for alcohol consumption within the curtilage of the bowling green area. Instead they have collectively advocated curtailment on use of this outdoor area to 22.00hrs, which has been accepted by the applicant.

Whilst the applicant did initially apply for provision of live and recorded music on his application up to 23.30hrs, this would be afforded by virtue of live music exemption / recorded music deregulation until 23.00hrs. However, the applicant has brought his proposed hours for live/recorded music back from 23.30 to 23.00hrs. Having regard to the exemption and deregulation, live and recorded music at the hours proposed would not be a licensable activity and cannot be made subject to conditions. The only exception to the above is on New Year's Eve where entertainment would be permitted until 00.30hrs and can have conditions applied after 23.00.

The Environmental Health (Pollution) Officer has indicated the absence of service requests i.e complaints in relation to noise emanating from Pontymister Welfare Bowls Club and conditions that are proposed adequately address concerns held by them as a responsible authority and are suitable in supporting the licensing objective, Prevention of Public Nuisance.

The Child Protection Officer has not objected to the variation application and has advocated a proposed condition in relation to documented staff training in relation to underage sales of alcohol. This has been accepted by the applicant.

The applicant has responded to the comments of the residents in an attempt allay some of their concerns in relation to usage and licensable activities at the premises. The variation application for a club premises certificate does not permit any greater access to members of the public as licensable activities e.g supply of alcohol will only be permitted to club members, their guests and visiting teams. It is therefore not envisaged that there would be any greater footfall as a direct result of this application.

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 in relation to any licensable activities.

However, they will not be able to consider nuisance arising from parking issues or other activities unconnected to the bowls club. The Council's Licensing Policy details at Paragraph 28.5 that '*Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.*'

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

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

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.*'

The Responsible Authorities in this instance appear to be satisfied that the operating schedule submitted by the applicant and conditions advocated and agreed will ensure that the licensing objectives can be promoted.

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.

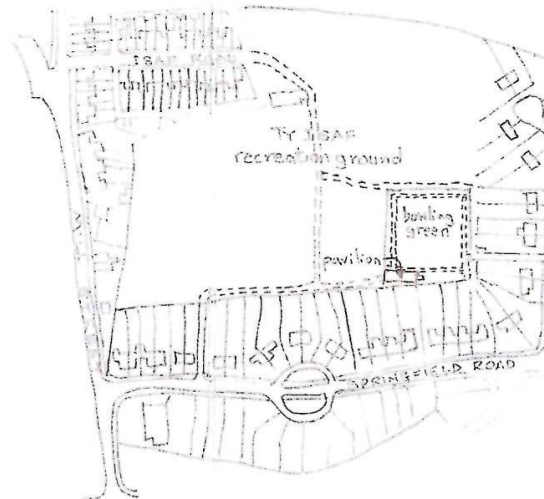
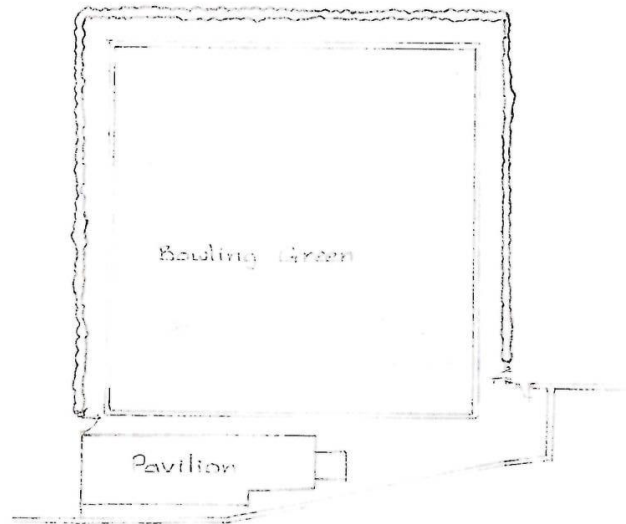
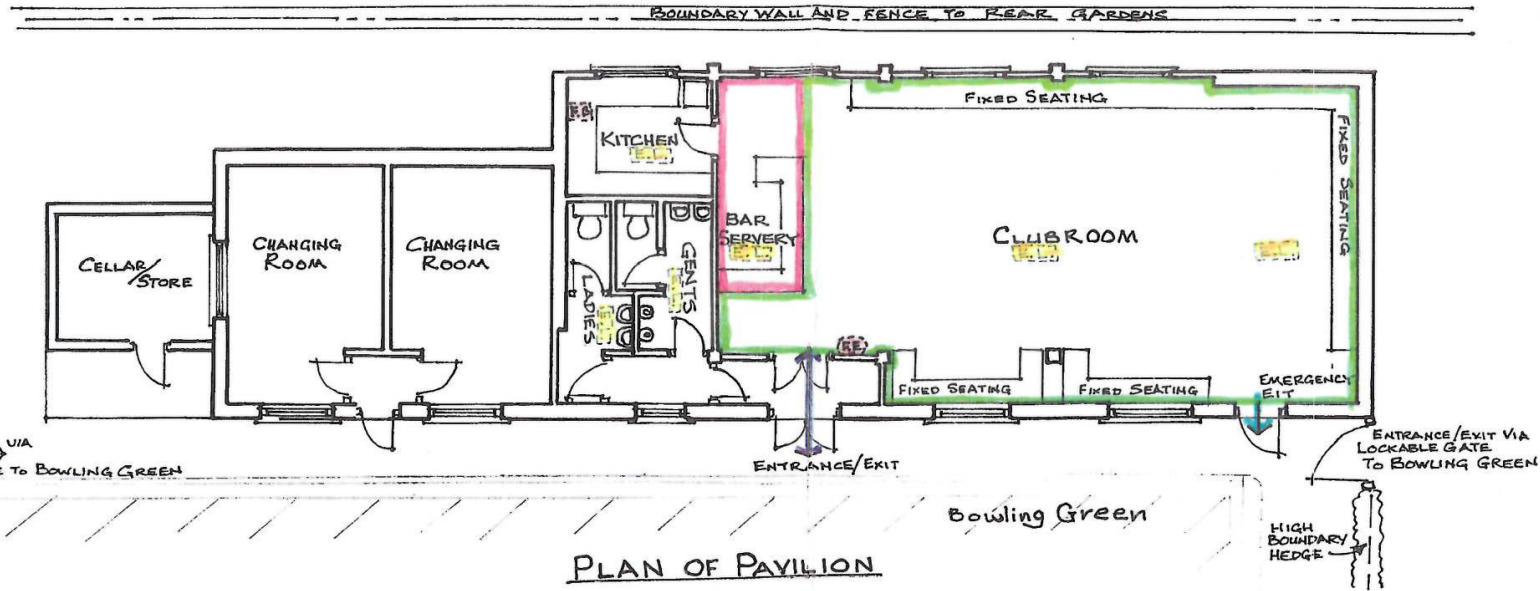
Having had regard to and considered the comments received from the Responsible Authorities and local residents, it is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in **Appendix 15** and as a result the variation application should be **approved**.

Links to Background Papers:

[Statutory Guidance issued under S182 of the Licensing Act](#)
[Caerphilly CBC Statement of Licensing Policy](#)

Date of this report: 11th June 2021

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



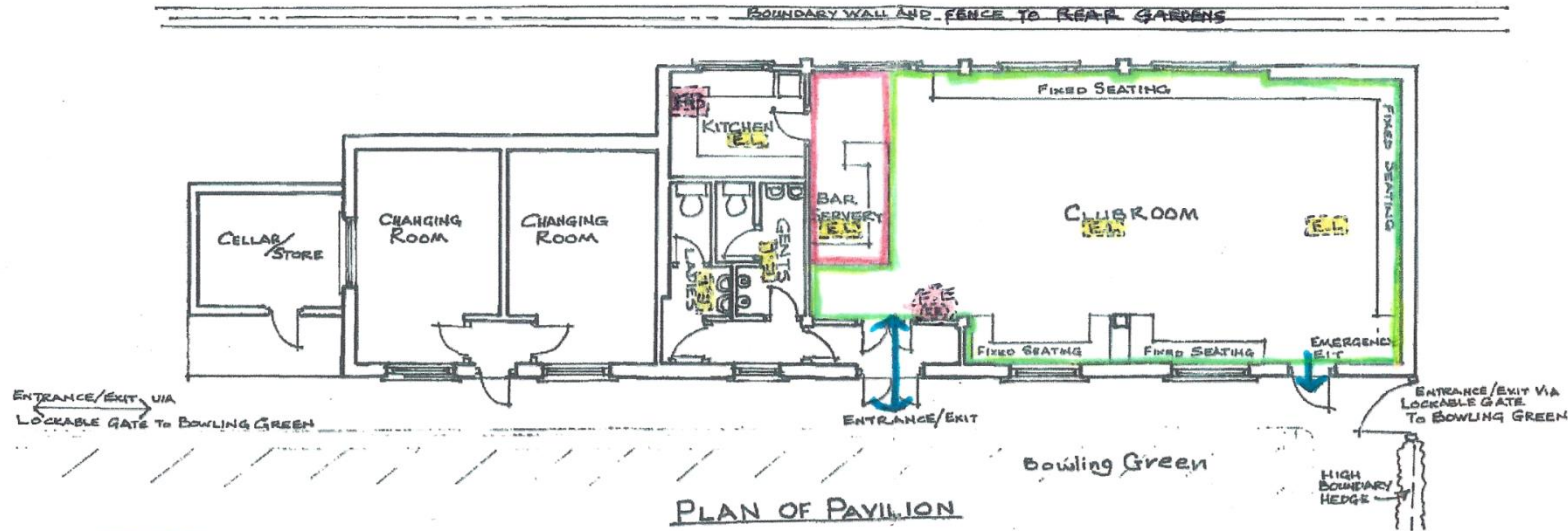
- Key:-
- Sale of alcohol shown
 - Consumption of alcohol shown
 - Access/Exit point shown
 - Emergency door shown
 - Emergency lighting shown E.L.
 - Fire extinguisher shown FE
 - Fire blanket shown F.B.

PONTMISTER WELFARE BOWLS CLUB TY ISAF PAVILION, PONTMISTER, RISCA, GWENT.		
DRAWING PREPARED FOR APPLICATION TO CONVERT EXISTING CLUB CERTIFICATE		
Scale:- 1:100	Date:- JULY 2005	Drawn by:- RKN

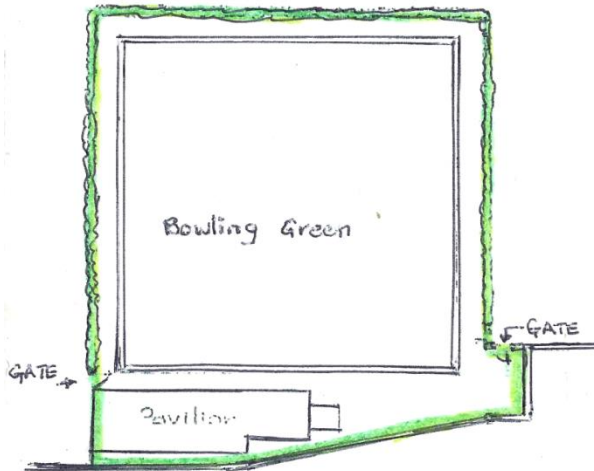
This page is intentionally left blank



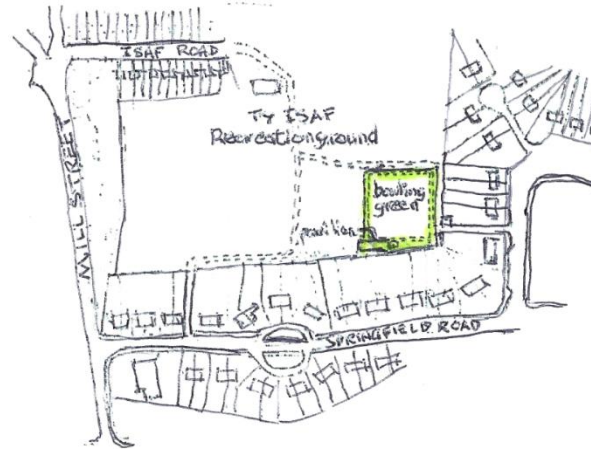
This page is intentionally left blank



PLAN OF PAVILION



SITE PLAN



LOCATION PLAN

- Key:-
- Sale of alcohol shown
 - Consumption of alcohol shown
 - Access/Exit point shown
 - Emergency door shown
 - Emergency lighting shown
 - Fire extinguisher shown
 - Fire blanket shown

PONTYMISTER WELFARE BOWLS CLUB
 TY ISAF PAVILION, PONTYMISTER,
 RISCA, GWENT.

DRAWING PREPARED FOR
 APPLICATION TO VARY
 EXISTING CLUB CERTIFICATE

Scale:- 1:100	Date:- APRIL 2021	Drawn by:- DKW
------------------	----------------------	-------------------

This page is intentionally left blank

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;
- 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.

19.5 A licence may be issued subject to conditions, which must be complied with at all times whilst the premise is being used for licensable activities during the times specified in the licence. Failure to comply with the terms and conditions of a licence or if licensable activities are carried out without a premises licence, may result in a fine, which is unlimited or a term of imprisonment of up to 6 months, or both.

19.7 It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

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.

28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

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.

36.2 The Licensing Authority intends that enforcement visits will be made to licensed premises as appropriate, to ensure that any conditions imposed as part of the licence are being complied with. These visits may be either proactive planned inspections based on the risk presented by the premises, history of non-compliance etc., or reactive visits as a result of complaints.

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.

This page is intentionally left blank

HEDDLU GWENT POLICE**RELEVANT REPRESENTATIONS**
PREMISES LICENCE /CLUB PREMISES CERTIFICATE
or VARIATION OF THE ABOVE**S.18, 41A, 72 and 86A of the LICENSING ACT 2003**

Representations by the Police to be made within 28 Days of receipt of the application.

Date application received: 29/04/21

Date representations sent to Licensing Authority: 26/05/21

Date representations sent to applicant:

Name of authority: **Caerphilly County Borough Council**

Premises Name and Address: **Pontymister Welfare Bowls Club, Ty Isaf Park Bowls Pavillion, Pontymister, Risca.**

Applicant Address: **David Willing, Chairman, Newport. NP20 3PX.**

Gwent Police has received an application for a premises licence under the Licensing Act 2003 in respect of the above-named premises.

Having visited the site and spoken to the applicant, whilst Heddlu Gwent Police do not wish to object to the application it has concerns regarding the use of the outside area late at night. Given its location there is a potential for crowds of people to congregate outside which could cause a nuisance/disturbance in the area, there are a number of residential properties in close proximity.

Heddlu Gwent Police would advocate that the use of the outside area be restricted to 2200hrs.

Having regards to the above and the conditions proposed by the applicant Representations have been made on the following grounds which Gwent Police believe would assist the applicant in promoting one or more of the Licensing Objectives, and would therefore request the following conditions under the 4 licensing objectives :

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

Gwent Police would therefore request the following conditions:

1. The use of the outdoor area be restricted to 2200hrs.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. All refusals will be kept in a refusals book detailing the time, date, and the goods the person serving refuses and the name of the persons who tried to purchase. If no name is given, then a good description will be recorded. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
4. Any person working in the premises is to be trained with respect to underage sales and in how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Such training shall be updated as necessary when legislation changes. Training should be clearly documented, signed and dated by both the trainer and the person receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
5. Disorderly customers will be asked to leave the premises.
6. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

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

If the applicant agrees to the above representations then Gwent Police will withdraw their Objection.

PC 328 Williams

Police Harm Prevention/Licensing Officer

This page is intentionally left blank



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY (Please delete as applicable) – Licensing

Name and Address of Applicant	Pontymister Welfare Bowls Club
Premises	Pontymister Welfare Bowls Club, Ty Isaf Pavilion, Pontymister, Risca

Your Name	Annette Dicks
Date	27 th May 2021
Job Title	Assistant Licensing Manager
e.mail Address	dicksa@caerphilly.gov.uk
Contact Telephone Number	01443 866750

Which of the four Licensing Objectives does your representation relate to?	✓
The Prevention of Crime and Disorder	✓
Public Safety	
The Prevention of Public Nuisance	✓
The Protection of Children from Harm	

Please outline the reasons for your Representations
<p>The application seeks to vary the existing club premises certificate, which restricts the use of the club to members and guests, to extend the hours of the supply of alcohol for both on and off supply, and to include the outside bowling green for members to consume alcohol on the premises.</p> <p>The application also seeks to remove embedded conditions previously imposed and converted upon the introduction of the Licensing Act in 2005 which included provisions to permit the supply of alcohol on New Year's eve over an extended period until New Year's Day. In addition, the application also includes the provision of live and recorded music until 23:30. Such entertainment does not require separate permissions under a club premises certificate if the entertainment is between 08:00 and 23:00 and the audience does not exceed 500.</p> <p>Having regard to the nature of the application and having visited the premise with Environmental Health and spoken to members of the club, the Licensing Authority would not support the application in relation to the use of the outside area until 23:00, due to its close proximity to residential properties and would advocate that the use be restricted to 22:00. In addition due to its close proximity to other properties, the Licensing Authority would suggest that the hours for recorded music and live music until 23:30 Monday to Saturday should not be granted and non standard timings for New Year's Eve for both live and recorded music be limited to 12:30. The licensing authority has no objections to the hours applied for in relation to the supply of alcohol</p>

It is noted that the applicant has offered a number of conditions to promote the licensing objectives and in addition to those submitted by the Council's Child Protection Officer and Environmental Health, the licensing authority would advocate the following condition

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	<p>The suggested conditions are as follows:</p> <p>The use of the outside licensed area of the premises is not permitted after 22:00, other than for access solely for the use of a smoking area. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.</p> <p>Staff , committee members or other competent persons shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place to monitor the external areas on a regular basis.</p>
Are you prepared to discuss these representations with the applicant by way of mediation?	Yes

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's



RESPONSIBLE AUTHORITY REPRESENTATION

RESPONSIBLE AUTHORITY (Please delete as applicable) - Pollution Control

Your Name	Abbie Brown
Job Title	Environmental Health Officer
Postal and e-mail address	browna2@caerphilly.gov.uk
Contact telephone number	01443 831147

Name and Address of Applicant(s):	David Willing NEWPORT NP20 3PX Ken Hine TY-SIGN RISCA NP11 6AE
Premises	PONTYMISTER WELFARE BOWLS CLUB TY ISAF PARK BOWLS PAVILION PONTYMISTER RISCA

Which of the four Licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation.
The prevention of crime and disorder	No	
Public safety	No	
The prevention of public nuisance	Yes	Following a visit to the above premises on 17 May 2021, the Pollution Control Team is of the opinion that the application submitted has the potential to undermine the licensing objective 'The Prevention of Public Nuisance'.

		<p>Therefore, at the time of the meeting, concerns were discussed with club representatives in relation to the potential for public disturbance.</p> <p>Concerns were raised due to the closeness in proximity to residents within the very near vicinity especially in relation to the consumption of alcohol particularly in external areas, along with the playing of live and recorded music indoors and outdoors into the late hours of the night.</p> <p>It is thought that crowds gathering in outdoor areas within the night-time along with accompanying music in a small premises has potential to impact on residents.</p> <p>As discussed with the applicant, whilst it is accepted that the introduction of the Live Music Act 2012 makes certain allowances regulated entertainment within licensed premises, it is not believed by this Authority that this Act was intended to de-regulate to the extent that other legislation such as the Environmental Act 1990 is contravened.</p> <p>The wording of the licensing objective suggests that the licensing regime is intended to 'prevent' occurrences of nuisance not to create instances where a noise nuisance occurs.</p> <p>Therefore, in addition to any conditions recommended by the Heddlu Gwent Police and the Licensing Authority, I would require the following conditions/ advice to be accepted by the applicant before any objections are withdrawn.</p>
The protection of children from harm	No	

<p>What conditions could be added to the license to remedy your representation that the Licensing Sub-Committee could take into account.</p>	<p>This Responsible Authority would recommend the amendment of hours to the following:</p> <p>Live and Recorded Music on the premises shall cease after 23:00 Monday to Sunday.</p> <p>In relation to NYE Live and Recorded Music shall cease at 00:00.</p>
--	---

1. 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.
2. 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.
3. The smoking area shall not exceed the capacity of 5 persons at any one-time post 22:00.
4. No alcohol shall be consumed or taken into any outdoor area post 22:00.
5. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.
6. 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.
7. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

Are you prepared to discuss these representations with the applicant by way of mediation?	Yes

N.B If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Signed: A. Brown

Date: 27.05.2021

Please return this form to: Licensing Section, Caerphilly County Borough Council, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG. **This form must be returned within the Statutory Period.**

From: Brown, Abbie
Sent: 01 June 2021 12:03
To: Morgan, Lee
Subject: Pontymister Welfare Bowls Club - Environmental Health Representations
Importance: High

Hello Lee,

Further to the review of concerns from the residents residing in various properties on Springfield Road, I can confirm that this responsible authority has not received any service requests in relation to noise emanating from the above premises.

Therefore, I can confirm that my representations made on 27 May 2021 attached, adequately address concerns held by this responsible authority and are suitable in supporting the licensing objective “*The Prevention of Public Nuisance*”.

Kind regards,

Abbie

Abbie Brown

Swyddog Iechyd yr Amgylchedd Rhanbarth | District Environmental Health Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 811347

✉ browna2@caerphilly.gov.uk browna2@caerfilli.gov.uk

This page is intentionally left blank



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Children’s Services

Name and Address of Applicant	KEN HINE (SECRETARY) DAVID WILLING (CHAIRMAN) SECRETARY:- CHAIRMAN:- TY-SIGN, RISCA NEWPORT NP11 6AE
Premises	PONTYMISTER WELFARE BOWLS CLUB

Your Name	Deborah Lewis Date 10.5.21
Job Title	Child Protection Coordinator
e.mail Address	Lewisdj1@caerphilly.gov.uk
Contact Telephone Number	01443 864616

Which of the four Licensing Objectives does your representation relate to?		Please outline the reasons for your Representations
The Prevention of Crime and Disorder		
Public Safety		
The Prevention of Public Nuisance		
The Protection of Children from Harm	✓	I have reviewed the application and I note the licensing objections suggested by the applicants. I believe there should be a level of monitoring and scrutiny applied as the Bowls club intend on selling alcohol and I, therefore, make the following representation -

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA’s

<p>W6.5.20 What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>SAO1 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.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes or No Yes</p>

N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

Please remember if you intend to make representations to copy this file to all other RA's

Mr & Mrs Lane
* Springfield Road
Pontymister
Risca
NP11 6LY

The Licensing Section
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

25th May 2021

Dear Licensing Department

Pontymister Welfare Bowls Club
Ty Isaf Bowls Pavilion
Pontymister

We are I making representation in respect of the notice proposal by Pontymister Welfare Bowls Club to:

- Add outside bowling green for consumption of alcohol as part of the licensing area
- Extend provision of alcohol hours until 23:30 for both on and off sales
- Add provision of recorded and live music

As residents whose home is three doors from the bowls club, and have a son with a mental health condition, we are very concerned that these proposals are being made to extend the sale of alcohol and music, which has always been very audible when functions have taken place at the club. We need to maintain a stable and consistent environment for our son and we oppose this change on the basis of the potential effects it could have upon him.

We are therefore vehemently oppose each of the 3 proposals from Pontymister Welfare Bowls Club.

Equally, we are concerned about this addition as residents, with the Welfare grounds at the rear of our garden, there is a considerable amount of activity adds to the overall impact of the totally of all things that take place in these grounds. We feel strongly about this proposal and urge the council to take this into account and not consider this proposal in isolation to everything else that takes place in the Welfare grounds.

As we were not aware of this proposal, like my neighbour at ** Springfield Road I feel let down by a Council not being open and transparent about things that affect its residents and am very disappointed in CCBC.

I would be extremely disappointed with any decision by the CCBC to grant this additional half hour to this proposed request.

Please note, as we on a 3 week holiday we have given instruction to ***** Springfield Road to write this opposition letter to this proposal.

Yours faithfully

Mr & Mrs Lane

C.C. Councillor Owen
 Councillor Whiting

Mr & Mrs Leonard
* Springfield Road
Ty-Isaf
Risca
NP11 6LY

Tel: *

I OBJECT

Re: Pontymister Ty-Isaf Welfare Bowls Club

I wish to oppose the application made by the Bowls Club to have extended hours and loud music.

The reason behind this is my autistic young daughter who has social and learning difficulties; we bought this house purely for the garden for an escape for my daughter, her play area is only metres away from the main building of the Bowls Club, she has irregular sleeping patterns due to this diagnosis. She has also been out on her swing in the night as an escape, my daughter's bedroom is also at the back of the house, so this is also a noise concern.

Myself and my wife work separate shift patterns to accommodate our daughter's needs, 4.30AM alarms for 6AM work, with shifts also on weekends.

I would also like to know why we the residents was not contacted with this info and we had to learn all this from Facebook.

I'm happy if you would like to arrange a visit to my property so I can show you how close to my property the Bowl building is, this will have a substantial impact on my daughters wellbeing and behaviour.

If you need any more information, please contact me.

King regards

Mr & Mrs Leonard

It was a respected part of the community for the older generation, please just keep it as a Bowls Club.

This page is intentionally left blank

* Springfield Road
Pontymister
Risca
NP11 6LY

The Licensing Section
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

25th May 2021

Dear Licensing Department

Pontymister Welfare Bowls Club
Ty Isaf Bowls Pavilion
Pontymister

I am making representation in respect of the notice proposal by Pontymister Welfare Bowls Club to:

- Add outside bowling green for consumption of alcohol as part of the licensing area
- Extend provision of alcohol hours until 23:30 for both on and off sales
- Add provision of recorded and live music

Firstly, I make my concerns around the ambiguity within these proposals to confirm the frequency when these additions and extensions would operate, daily, more than once a week, weekends.

Second, would the music commence at a particular time, for example evening or is there a possibility that this would extend for longer periods of time?

As a resident whose home is two doors from the bowls club, I am concerned on two levels, the frequency of the noise of music and the potential increase of footfall and increase in noise level of voices. Prior to this proposal (and Covid-19 restrictions), frequently had people speaking at the end of my garden late at night and vehicle leaving the premises.

Therefore, I am:

- Opposing an extension to extend the alcohol hours to 23:30 for both on and off sales.
- Opposing the added provision to of recorded and live music to 23:30
- I would also oppose the consumption of alcohol outside the premises on the basis of the risk of alcohol being taken outside the bowling area and again this increased outside noise.

I would also draw to your attention my concern that this proposal had only been posted in the Welfare Ground by the Bowls Club, and not publicly brought to the attention of us residents. I have taken a very cynical view of the way in which the Licensing Department operates with openness and transparency, with what comes as a lack of consideration and respect of neighbours living next door to this facility. I am raising the process by which this proposal has been made know to CCBC's complaints department.

The Welfare Grounds astro turf already attracts a lot of youth who will on frequent occasions have music playing, albeit not for lengthy prolonged periods. For those of us living in numbers ***** and **, we continually have footballs accidentally kicked into our gardens by the enthusiastic youth. This additional request from the Bowls Club is a request that adds to the overall totality of activities that occur in the Welfare Grounds, and this is something that CCBC should take cognisance of.

I would be extremely disappointed with any decision by the CCBC to grant this additional half hour to this proposed request.

Yours faithfully

Ms Coughlin

*

C.C. Councillor Owen
 Councillor Whiting
 Complaint Department CCBC

Mr & Mrs Waite *
* Springfield Road
Pontymister
Risca
NP11 6LY

19th May 2021

The Licensing Section
Caerphilly County Borough Council
Penallta House
Tredomen Park
Ystrad Mynach
Hengoed
CF82 7PG

To whom it may concern

Re: Pontymister Bowls Club at Ty Isaf Bowls Pavilion, Pontymister, Risca

It has been brought to my attention that Pontymister Welfare Bowls Club have applied for the following:

- Add outside bowling green for consumption of alcohol as part of the licensing area
- Extend provision of alcohol hours until 23:30 for both on and off sales
- Add provision of recorded and live music

I would like to know why the residents have not been written too as the house in Springfield Road are affected. It appears that none of our neighbours were aware of this and we found out on Facebook. The notice is on the door by the Astro Turf were no residents can see the notice!!! How convenient.

I would like to take this opportunity to OPPOSE this decision as the Pontymister Welfare Bowls Club backs onto our property.

I have a ***** residing at the property, and the noise coming from the Bowls Club would affect her sleeping pattern, also in the summer months the noise would affect us with having to have the windows open to try and have comfortable night's sleep. Also because of where the Bowling Club the noise would echo. We used to hear kids hanging around under the football stand (screaming and shouting using foul language) and that is further away from us.

I have seen the comments on Facebook regarding this and it's ok for people to want this when they don't have to put up with the noise on THEIR doorstep. The post seems to have been taken down now.

It's been bad enough with the parking over there. When we first moved here there would be 1 or 2 cars parked there. Now you get the cars parking on the grass up along the hedge and our boundary walls. Which is supposed to be a play area for the children, hence the Astro Turf, you may as well do away with the Astro Turf and put a car park there!!

I bet if I asked to have a garage built on the bottom of my garden – that would be refused straight away!!

I am more than happy to arrange for someone to come and visit our property and address our concerns even further.

I would be grateful if you could take all this into consideration when making your decision to PASS this.

Kind regards

Mr & Mrs Waite

C.C. Bob Owen

In response to the objections received from the four residents who have properties to the rear of the bowling club and Ty Isaf Park, I, on behalf of the club, would like to make the following observations to alleviate any concerns the residents have in respect of the club's application to vary the club premises certificate.

It clearly appears from the representations, that the residents are concerned about the generation of noise as a result of the application including the provision of recorded and live music until 23.30. I would wish to reassure them, that this has been included to cover the possibility of the club wishing to have music for specific functions. The likelihood of this occurring would be limited to may be no more than a few times a year. Such functions would be, perhaps, a club member celebrating a special birthday; when the club has its presentation night; and, if there is members interested (between 40 and 50 people) on New Year's Eve. It is certainly no intention to have live music on a regular basis to attract people who are not associated with the club.

Club members are predominately of an older generation, in fact, the average age of members is over 70 years of age. In recent years a few members have celebrated their 80th. birthday at the club and it is this type of function when the club may wish to provide music. It should be noted that if music is played at such functions, there will be a condition included, whereby, doors have to be kept closed.

It is intended that the club will continue to operate in exactly the same way as it has done in the past. The bar is only made available during the bowling season when matches are being played. This generally is on Tuesday afternoons, Wednesday evenings and Saturday. There are the odd occasions when cup games are played on a Friday evening and rearranged games having to be played on a Sunday. There is no music played on these days.

In the closed season, that is, from mid-September to mid-April, the club opens for members' social evenings when member numbers are quite limited. Generally there are only between 12 and 24 club members meeting for social purposes only.

There is a post script on one of the letters, which says, "it was a respected part of the community for the older generation. Please just keep it as a bowls club." It is good to hear that the bowls club is a respected part of the community and the club's aim is to continue to be seen in that light.

Since receipt of the residents letters, there has also been replies from the Responsible Authorities, namely, Police, Environmental Health Dept. and the Licensing Dept. all of which have recommended conditions being attached to the license. In particular, it is recommended that any music should cease at 23.00 and consumption of alcohol in outside areas restricted to 22.00 with appropriate notices being displayed in the club. The club wishing to have regard to the resident's concerns and acting in a responsible manner will accept the RA's recommendations.

The main aim of making the application to vary the club premises certificate is to regulate issues where the club has unknowingly and unintentionally not fully followed conditions in the past. On behalf of the club, I would like to assure the respondents and residents at large, that the granting of the application will not alter the way in which the bowling club conducts its business in the future.

As I am representing the club, I would be happy to meet the respondents and explain the club's position, albeit, there nothing more that I could add that isn't covered by the above.

David Willing,
Club Chairman,
On behalf of Pontymister Welfare B.C.

This page is intentionally left blank

Supply of alcohol (on and off the premises)

Monday to Sunday 11.00am – 11.30pm.

New Year's Eve 11.00am – 02.00am

Live & Recorded Music

Monday to Sunday 7.00pm – 11.00pm (N.B. this is not a licensable activity whilst the premises are open for the sale of alcohol between 8am and 11pm)

New Year's Eve 11.00pm – 0.30am

1. The use of the outdoor area for the consumption of alcohol shall not take place after 2200hrs and the outdoor area shall be used solely as a smoking area after this time. The smoking area shall not be used by more than 5 persons at any one time post 22:00hrs.
2. Adequate notices shall be displayed in appropriate locations to ensure that the requirements of condition 1 above are brought to the attention of patrons.
3. Staff, committee members or other competent persons shall manage ensure that the outdoor area is managed so that customers do not behave in a noisy, rowdy or offensive manner, and shall further ensure that measures are put in place to monitor the external areas for such behaviour on a regular basis.
4. 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.
5. Clear notices must be displayed at all points where patrons leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.
6. A risk assessment shall be carried out of the need for polycarbonate or toughened glasses to be used on the premises, especially for outdoor events/use.
7. 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 before 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 Club and all staff concerned in the sale of alcohol. Posters stating that the age verification scheme is in operation shall be clearly displayed in at least A5 size at the entrance and where practicable at each point of sale.
8. All refusals will be kept in a refusals book detailing the time, date, and the goods the person serving refuses and the name of the persons who tried to purchase. If no name is given, then a good description will be recorded. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.

9. Any person working in the premises and concerned with the sale of alcohol is to be trained with respect to underage sales and in how to refuse sales to difficult customers. All such training to be updated on an annual basis. Safeguarding training should also be undertaken with all staff. Such training shall be updated as necessary when legislation changes. Training should be clearly documented, signed and dated by both the trainer and the person receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
10. Disorderly customers will be asked to leave the premises.
11. The volume of licensable amplified/unamplified live and recorded regulated entertainment must be at a level so as not to cause a nuisance at the nearest residential property.
12. Except for access and egress all doors and windows shall be kept closed during periods of licensable entertainment associated with the Premises Licence.
13. The manager, licence holder or other competent person shall carry out observations at the boundary perimeter of the licensed area during the periods of licensable amplified/ un-amplified recorded entertainment at intervals during the carrying on of such licensable entertainment, 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 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.
14. No speakers for the amplification of licensable live or recorded music shall be placed on the outside of the premises or on the outside of any building forming a part of the premises.
15. The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.
16. Outdoor lighting shall be positioned, so far as is reasonably practicable, so as to limit its intrusion into residential accommodation in the vicinity of the licensed premises whilst maintaining an adequate level of lighting for the safe access and egress of customers and persons employed at the premises.