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Blaenau Gwent

Our Ref./Ein Cyf.
Your Ref./Eich Cyf.
Contact:/Cysylltwch â: Gwasanaethau Democraidaidd

THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

Dydd Sadwrn, 17 Medi 2022 Dydd Sadwrn, 17 Medi 2022

Dear Sir/Madam

PWYLLGOR TRWYDDEDU STATUDOL

A meeting of the Pwyllgor Trwyddedu Statudol will be held in Siambr y Cyngor, Canolfan Ddinesig on Dydd Iau, 22ain Medi, 2022 at 11.30 am.

Yours faithfully

Damien McCann
Interim Chief Executive

AGENDA

Pages

1. CYFIEITHU AR Y PRYD

Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o hysbysiad ymlaen llaw os dymunwch wneud hynny. Darperir gwasanaeth cyfieithu ar y pryd os gwneir cais.

2. YMDDIHEURIADAU

Derbyn ymddiheuriadau.

3. DATGANIADAU BUDDIANT A GODDEFEBAU

Derbyn Datganiadau Buddiant a Goddefebau.

4. AMSER CYFARFODYDD Y DYFODOL

Trafod amser cyfarfodydd y dyfodol.

5. IS-BWYLLGOR TRWYDDEDU STATUDOL 5 - 22

Ystyried cofnodion y cyfarfod o'r Is-bwyllgor a gynhaliwyd ar 3 Chwefror 2022.

6. IS-BWYLLGOR TRWYDDEDU STATUDOL 23 - 36

Ystyried cofnodion y cyfarfod o'r Is-bwyllgor a gynhaliwyd ar 10 Mawrth 2022.

7. IS-BWYLLGOR TRWYDDEDU STATUDOL 37 - 42

Ystyried cofnodion y cyfarfod o'r Is-bwyllgor a gynhaliwyd ar 22 Mehefin 2022.

8. IS-BWYLLGOR TRWYDDEDU STATUDOL 43 - 52

Ystyried cofnodion y cyfarfod o'r Is-bwyllgor a gynhaliwyd ar 6 Gorffennaf 2022.

9. FFIOEDD TRWYDDED STATUDOL 2022/23 53 - 64

Ystyried adroddiad y Rheolwr Tîm, Safonau Masnach a Thrwyddedu.

To: L. Winnett
D. Bevan
G. Thomas
Councillor S. Behr
Councillor D. Woods
M. Cross
G. A. Davies
Councillor J. Gardner
L. Parsons
Councillor G. Humphreys
Councillor D. Rowberry

All other Members (for information)
Interim Chief Executive
Chief Officers

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COUNTY BOROUGH OF BLAENAU GWENT

**REPORT TO: THE CHAIR AND MEMBERS OF THE
STATUTORY LICENSING COMMITTEE**

**SUBJECT: STATUTORY LICENSING SUB-COMMITTEE
3RD FEBRUARY, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR W. HODGINS (CHAIR)

Councillors K. Pritchard
L. Winnett

WITH: Team Leader, Trading Standards and Licensing
Senior Licensing Officer
Licensing Officer
Senior Trading Standards Officer
Specialist Environmental Health Officer
Solicitor

AND: P.C. D. Allen, Gwent Police (Licensing)
Mr. P. McGrath, Resident

Dukestown Club Representatives
Mr. N. Kingsley, Club Secretary
Mr. R. Sandercock, Chairman of the Club
Mr. P. Williams, HR Consultant
Mr. L. Garret, Sound Engineer
Mr. R. Taylor, Treasurer
Club Committee Member x 3

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1.	<p data-bbox="341 327 922 360"><u>SIMULTANEOUS TRANSLATION</u></p> <p data-bbox="341 412 1455 488">It was noted that no requests had been received for the simultaneous translation service.</p>
No. 2.	<p data-bbox="341 544 564 577"><u>APOLOGIES</u></p> <p data-bbox="341 629 1123 663">There were no apologies for absence received.</p>
No. 3.	<p data-bbox="341 719 1254 752"><u>DECLARATIONS OF INTEREST & DISPENSATIONS</u></p> <p data-bbox="341 804 1417 837">There were no declarations of interest or dispensations reported.</p>
No. 4	<p data-bbox="341 893 1366 1055"><u>LICENSING ACT 2003 – REVIEW OF CLUB PREMISES CERTIFICATE – DUKESTOWN WORKINGMEN’S CLUB, 1 EVANS TERRACE, DUKESTOWN, TREDEGAR, GWENT. NP22 4EH</u></p> <p data-bbox="341 1106 1455 1182">Consideration was given to the report of the Senior Licensing Officer.</p> <p data-bbox="341 1234 1455 1480">The Chair advised that the report had been presented to determine an application for the review of a club premises certificate, in relation to Dukestown Workingmen’s Club, 1 Evans Terrace, Dukestown, Tredegar, Gwent. NP22 4EH in accordance with the Licensing Act 2003. The application had been submitted by Mr. Wayne Best, Specialist Environmental Health Officer.</p> <p data-bbox="341 1532 1455 1653">At the invitation of the Chair, the Team Manager Trading Standards and Licensing gave an overview of the process to be followed at the meeting.</p> <p data-bbox="341 1704 1455 1780">The Applicant and representatives present was introduced to Officers and Members of the Sub-Committee.</p>

At the invitation of the Chair the Team Manager – Trading Standards and Licensing advised that the report had been presented to determine an application for the review of a club premises certificate, in relation to Dukestown Workingmen’s Club in accordance with the Licensing Act 2003. The application had been submitted by Mr. Wayne Best, Specialist Environmental Health Officer and the location map of the premises was noted which was attached at Appendix 1.

The Team Manager referred the Sub-Committee to the current club premises certificate, permits licensable activities and noted the activities which does not need a certificate. The Team Manager added that in addition to standard mandatory club premises certificate conditions, the certificate was subject to the following conditions:-

- The Licensee shall ensure that no noise shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.
- All children must be accompanied by an adult

It was further reported that in accordance with the Licensing Act 2003, the Licensing Authority had served copies of the application on the following Responsible Authorities, in addition to the licence holder:-

- Gwent Police;
- South Wales Fire and Rescue Service;
- Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement, Planning, Environmental Health, and Social Services departments; and
- the Aneurin Bevan Health Board

A notice of the application was displayed at the Council's General Offices, and advertised on the Council's website. A notice of the application was also displayed at the premises for 28 days to enable 'other persons', i.e. local residents and businesses, to make representations. However, the licence holder failed to display the notice at the premises for 7 days, therefore the application process was restarted commencing 14th December, 2021 for a period of 28 days ending on the 10th January 2022. It was informed that no representations were received from South Wales Fire and Rescue Service, Planning, Social Services departments or Aneurin Bevan Health Board. Although representations were received from Gwent Police, Blaenau Gwent County Borough Council Trading Standards Team and Licensing Enforcement which were detailed in Appendix 3 and 10 representations received from 'other persons' were detailed in Appendix 4.

In conclusion, the Team Manager noted the options for consideration by the Sub-Committee: -

1. To modify the conditions of the club premises certificate, or
2. To remove a licensable activity from the scope of the club premises certificate; or
3. To suspend the club premises certificate for a period not exceeding three months, or
4. To revoke the club premises certificate;
5. Take no action.

The Chair thanked the Officer for the detailed overview of the report and invited the Specialist Environmental Officer to present his case.

The Specialist Environmental Officer advised that he had been dealing with noise complaints in relation to Dukestown Club since May 2021. The complaints had been mainly due to loud music and disturbance from patrons. There had been correspondence sent to the Club in May 2021 which informed them of the complaints, however no response from the Club had been received. A second letter was sent on the 7th July 2021 as the issues were still causing a noise disturbance to residents in the area. A telephone call was held with Mr. Kingsley on the 14th July 2021 to verbally inform him of the issues being reported and the repercussions if no action was taken.

The Officer added that no improvements were made to address the concerns of residents, therefore a notice was served on the 23rd August 2021. Due to continued lack of response from the Club and no interest shown to work with the Enforcement Team the matter was passed to Licensing.

It was concluded that at the time of drafting the report there had been 119 recordings received using the Noise App with a further 23 since the Licensing Review Application had been submitted to Licensing. In addition, noise monitoring equipment had been installed into a resident's premises on 3 separate occasions being the 8-10 October, 5-7 November and 19-21 November 2021 with loud music and disturbances recorded. The Specialist Environmental Officer stated that the situation at Dukestown Club had not improved.

The Chair invited questions from the representatives present at the meeting. There were no questions raised from P.C. Allen (Gwent Police), Mr. McGrath (resident) or Trading Standards.

A question was asked by the Secretary of Dukestown Club in relation to the noise levels as all windows and doors are closed to prevent noise emanating from the Club.

The Specialist Environmental Officer advised that the noise levels were not measured in decibels but were subjective based on the officer's professional opinion as to whether noise levels were excessive however the general rule of thumb was if it could be heard outside the club premises it was too loud.

At this juncture the Chair invited questions from Elected Members of the Sub-Committee.

A Member noted the comments in relation to medium to loud music and asked how loud was the noise at its highest.

The Specialist Environmental Health Officer advised that the noise had been assessed on officer's professional opinion and that the music recorded had been loud, clear and the words clearly audible from inside the property as if they had been listening to loud music in their own property and therefore clearly disturbing residents.

It was added that the Noise App had been adopted by Blaenau Gwent Council as a result of COVID and was also being used successfully in other authorities and Housing Associations and also provided a good assessment of the situation.

The Chair invited Mr. McGrath (resident) to address the Sub-Committee at this juncture.

Mr. McGrath advised the Sub-Committee that the representations made was on behalf of the residents of the 3 properties situated next door to Dukestown Club. Mr. McGrath informed that the problems experienced by residents had been only been happening for the last 2 years. The residents had submitted complaints to the Police and Environmental Health in relation to noise and anti-social behaviour. Mr. McGrath added that he had also approached the Club and although their help was offered the requests was never carried out.

Mr. McGrath continued that the music could be heard all around the house from 10.15 p.m. It was felt that noise levels increased from around 12 midnight until early hours. The high levels of music and noise from patrons had been worsened during the pandemic as an outside area had been created in line with government guidelines as the loud/live music continued outside which caused greater stress to residents due to increased noise. Mr. McGrath referred to a speaker which was placed in the Club's car park which was controlled by a mobile phone. The music levels were exasperated by loud talking, swearing and the general poor behaviour of the customers which could also be heard by residents in their homes.

In conclusion, Mr. McGrath advised that he had lived next door to Dukestown's Club for a number of years and had never experienced such high levels of noise from music and disturbances from customers.

The Chair invited questions at this juncture and no questions were posed to the resident.

At this juncture, P.C. Allen, Gwent Police addressed the Sub-Committee.

P.C. Allen advised that he had supported the review of the Club's licence as he felt that that the Club had not been operating correctly under current Club certificate and there was a lack of control from the management.

P.C. Allen informed the Sub-Committee of the conversations which had taken place with the Club Secretary and Treasurer in November 2021 in relation to licence certificates. P.C. Allen referred the Sub-Committee to representations detailed in the report and noted an incident which involved a customer that was a stranger to the Club and not a member as permitted by the current certificate. It was noted under the current licence only Members and guests were allowed to drink at the Club. The stranger was intoxicated due to drinking at the Club and there were events for non-members displayed within the Club. P.C. Allen also stated that there was a 30th Birthday party to be held at the Club for a non-member. It was explained under current Club Certificate only members or guests could frequent the Club and the Club was reminded of the difference between the licence certificates. P.C. Allen reported that no such licence had been applied for to date following the aforementioned conversations.

Further reference was made to the representations as detailed in the report in relation to certificate licence and noise from the Club. P.C. Allen noted the noise nuisance complaints which were reported by the resident and supported by Blaenau Gwent Council.

P.C. Allen further gave an overview of the calls which had been logged by Gwent Police and made reference to the amount of calls received. It was felt that the Club should change the licence currently in place and asked that the Sub-Committee take into consideration this action along with the incidents which had taken place.

The Chair invited questions at this juncture and no questions were posed to P.C. Allen.

At the invitation of the Chair, the Team Manager – Trading Standards and Licensing addressed the Sub-Committee on behalf of the Licensing Enforcement Officer.

The Team Manager – Licensing and Trading Standards Officer referred the Sub-Committee to the Licensing Enforcement' representations as detailed in the report.

The Senior Trading Standards Officer advised that the only contact with Dukestown Club in last two years had been in relation to COVID-19.

The Senior Trading Standards Officer provided a brief overview of the matters related to COVID-19 restrictions which had changed throughout the various lock downs. It was added that there had been 26 complaints in terms of breaches made in Dukestown Club and all had been followed up. There had been visits to the Club and a responsible approach had been taken by the Club in response to these visits.

At the invitation of the Chair the Licence Holder addressed the Sub-Committee.

The Dukestown's Club representative noted the concerns raised and expressed his apologies for the issues reported. The representative advised that that the last two years had been horrendous since the start of the pandemic. The Club along with other establishments had been asked to manage the changing regulations and the representative felt that now these regulations were easing he was of the opinion that a lot of the nuisance had gone away. The representative added that there had been a number of different customers using the Club due to the COVID-19 regulations put in place by Welsh Government. The Club had now banned customers who had presented with unruly behaviour, built extra gates and doors, drinking was no longer allowed outside and on special licenced occasions the appropriate drinkware would be used. A number of these changes had been taken on board following conversations with Gwent Police. There had been extra security put in place in form of CCTV which covered all areas of the

Club excluding toilets. The representative reiterated that he felt things were now getting back to normal and settling down.

It was added that the Manager had been reprimanded and given their last warning. There are also other ways of reducing noise being explored which included adding sound proofing to the Club. The Club sympathised with the residents who had experienced noise nuisance and the representative had explained to Mr. McGrath that he was of the opinion that this was down to the pandemic as the Club had attracted non-members and now the Club were trying to address with these complaints the best they could. There had been a suggestion that the Club applied for a different premises licence which would be considered following this hearing.

Another Club representative, Mr. Williams endorsed the comments raised and concurred that the report provided by Gwent Police would be taken on board. Mr. Williams noted the complaints in relation to noise and added that there was now a hedge in place which separated the houses from the Club. Although, Mr. Williams stated that he was not rejecting concerns of neighbours and wanted to work together to address these issues. The Club had appointed an expert to look at the noise and health and safety issues. Mr. Williams added that in the last two years the Club had experienced an issue with young people who had frequented the Club due to the pandemic regulations. The Club would continue to attempt to address the noise issues and had hoped all relevant bodies could work together to address these issues, particularly the noise element as it was a key matter to be addressed.

In conclusion, the Club representative reported the following actions which had already been undertaken at the Club:-

- CCTV to be installed in all areas of the Club (excluding toilets)
- Signage to keep noise down to respect neighbours
- No consumption of alcohol outside after 21:00
- No alcohol to be taken outside to smoke
- Regulated entertain would only be provided outdoors only when temporary entertainment notice/licence had been applied for and these would be in the afternoons on special occasions
- Noise device limiter was in place and sound proofing to be added in areas within the Club when funds available.
- Extra installation in club to lower noise

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- Noise from club to be monitored and regulated
 - The manager to receive and respond to complaints in relation to sound, ensure no any unruly behaviour inside or outside the Club
 - Waste would not be taken out between the hours of 23:00-0700 to prevent further noise complaints
 - On advice of the Police a log book and refusals had been introduced to record incidents (which would include CCTV incidents)
 - No under 25 years' policy
 - A full complement of staff to be at the Club – elections taking place to appoint new Members to help support the Club
 - All staff to be sent on the relevant training courses

At this juncture questions were invited from the responsible authorities.

The Specialist Environmental Officer stated that the sound limiter needed to be set at acceptable level so the Club did not breach the Abatement notice. The Officer also suggested that staff walk around the Club to ensure sound checks are carried out and these also be logged. It was felt that these actions also needed to be undertaken to work towards compliance.

No questions were brought forward from the residents.

The Specialist Environmental Officer was invited to sum up his case at this juncture.

The Specialist Environmental Officer welcomed the actions put in place and the actions being worked towards by the Club. However, since the report further complaints are continuing to be received and therefore it was important that these measures are put in place and adhered to. This would prevent further action including prosecution being taken forward.

In summary, Gwent Police advised that there had only been one call received in relation to Dukestown Club since November and the Club had shown great interest in working with the Police to address the issues reported.

There was nothing further from the Licensing Enforcement Officer.

The resident, Mr. McGrath did not wish to sum up, however asked if a question would be permitted to the Licensing Team. The Chair allowed the question.

Mr. McGrath asked the Licencing Team if the licence covered the noise and consumption of alcohol outside the Club, i.e. in the car park and would it be considered in the new licence application. The licence stated now that no noise was to be transmitted through the building would that be alleviated within the new licence.

The Senior Licensing Officer advised that the consumption of alcohol outside was not a licensable activity. The Senior Licensing Officer appreciated the concerns and advised that it would be the responsibility of staff to monitor the outside area and address any noise issues.

The Chair invited the Applicant to sum up at this juncture.

The Club representative reiterated his apologies on behalf of Dukestown Club and had hoped that the Sub-Committee could see that the Club had tried to address the issues raised in the report. It was hoped that now the pandemic restrictions had begun to ease there would be significant improvements as the resident stated these issues had only occurred in the last two years prior to the pandemic the Club had not caused any noise/ inappropriate customer behaviour for residents in and around the Club.

The Applicant, Officers left the meeting at this juncture for Members to consider the application.

The Committee discussed the application at length and a decision was made, and the Applicant and Officers were invited back into the meeting.

The Solicitor thereupon informed the Applicant of the Sub-Committee's decision.

The Solicitor stated that considering this application, the Sub-Committee had taken into account the provisions in the Licensing Act 2003 in particular, the licensing objectives which are:-

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

The Solicitor advised that Section 87 of the Licensing Act 2003, the Guidance issued under the Licensing Act 2003 and the Council's licensing policy had been taken into account when the Sub-Committee considered this application.

The Sub-Committee had considered the written representations received as presented in the Officer's report, together with the oral representations given at the hearing on behalf of the Applicant and the other persons present.

The Sub-Committee was informed of the serious problems which had been experienced in the area concerning persons using the Licensed premises subject to this Application. It had been reported that patrons who used the premises had been heard swearing, shouting and acting in a rowdy manner in the early hours of the morning. There had also been reports of fighting within the vicinity of the premises and these incidents along with noise emanating from the Club was generally disturbing to residents in the area and residents felt this was unacceptable. The Solicitor added that the Police had been called to the premises on a number of occasions because of incidents at the Club and they had attempted to liaise with the Club's Committee to reach a solution.

The Sub-Committee considered the numerous incidents and events that had occurred in and around the Club and also gave due consideration to the conditions set out in the report which were attached to the Club Certificate as well as those set out in Appendix 3 by the Police, and sought to achieve a fair and balanced decision.

In reaching its decision, the Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council.

The Solicitor thereupon advised that the Sub-Committee had reached the following decision:-

- To suspend the Club's premises certificate for a period of 28 days.

The following modifications be made to the Club's activities:-

- Supply of Alcohol from Monday to Sunday from 11.00 am to 11.00 pm
- Opening hours from Monday to Sunday from 11.00 a.m. to 11.30 p.m.
- All other qualifying Club activities from Monday to Sunday from 11.00 a.m. to 11.00 p.m.

The following conditions were agreed to be attached to the Club Premises Certificate:-

- CCTV cameras shall monitor all areas used by premise patrons (except the toilets) including any external area to monitor numbers and prevent crime and disorder.
 - Where a CCTV system was to be installed, extended or replaced, it must be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system was 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.
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- The correct time and date must 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 was reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

- The premises licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a Constable;
 - There shall be clear signage indicating that CCTV equipment was in use and recording at the premises during licensable hours.
 - 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. These records shall be kept for a minimum of 12 months.
 - A 'Challenge 25' policy would 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 proved that they are 18 years of age or older when the alcohol was supplied.
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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 would 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.

- 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.
- Any person working in the premises was to be trained with respect to underage sales, proxy sales and 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 and kept for a period of 12 months.
- 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.
- 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.
- 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.
- The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

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- The use of the outside licensed area of the premises was not permitted after 11.00 p.m. Other than access solely for the use of the smoking area.
 - No bottles, cans or glasses are to be taken outside after 11.00 p.m. Adequate notices shall be displayed in appropriate locations to ensure that this information was brought to the attention of patrons.
 - Staff shall ensure that any bottles or glasses are removed from persons leaving the premises.
 - Children to be accompanied by a responsible adult and supervised at all times.
 - The licence holder or DPS shall risk assess the need for SIA Door Supervisors to be present in the premises. If door supervisors are present then the then the premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:
 - Full name;
 - SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
 - The time they began their duty; and
 - The time they completed their duty.
 - The register was to be kept at the premises at all times and shall be maintained as to enable an authorised officer of the Licensing Authority or a Constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a Constable upon request.
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- Outdoor lighting shall be positioned, so far as was 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.
 - Amplified music shall not be played at a level that would cause unreasonable disturbance to the occupants of any properties in the vicinity.
 - 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.
 - Whilst licensable activities are taking place, the toilets at the premises must be checked regularly for illegal drug use or supply. A written log of all checks must be kept at the premises for 31 days and made available for immediate inspection on the request of Gwent Police or an authorised officer of the Licensing Authority.

The Solicitor reported that the Sub-Committee wished to thank the Club's Committee for their honesty and to remind them that a suspension of up to three months could have been imposed in relation to the Club Premises Certificate. However, the Committee felt that a 28-day suspension was proper and proportionate. The Sub-Committee also wanted to relay that they sincerely hoped that they would not see this Club and its Members before the Licensing Sub-Committee again in the future and that the issues with the Club would now be resolved.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.

The Chair thanked everyone for attending and declared the meeting closed.

COUNTY BOROUGH OF BLAENAU GWENT

**REPORT TO: THE CHAIR AND MEMBERS OF THE
STATUTORY LICENSING COMMITTEE**

**SUBJECT: STATUTORY LICENSING SUB-COMMITTEE
10TH MARCH, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: COUNCILLOR W. HODGINS (CHAIR)

Councillors J. Hill
T. Smith

**WITH: Team Manager, Trading Standards and Licensing
Senior Licensing Officer
Licensing Officer
Local Authority Solicitor**

**AND: Mr. S. Sangha, Applicant
Mr. G. Dixon, Applicant's Representative**

Objectors
Mrs. S. Adlam
Mr. E. Adlam

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1.	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.
No. 2.	<u>APOLOGIES</u> There were no apologies for absence received.

No. 3.	<p><u>DECLARATIONS OF INTEREST & DISPENSATIONS</u></p> <p>There were no declarations of interest or dispensations reported.</p>
No. 4	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Sub-Committee held on 3rd February, 2022.</p> <p>RESOLVED that the Minutes of the Statutory Licensing Sub-Committee be confirmed as a true record of proceedings.</p>
No. 5	<p><u>LICENSING ACT 2003 – NEW PREMISES LICENCE – THE VENUE CONVENIENCE STORE, COMMONWEALTH ROAD, GARNLYDAN, EBBW VALE</u></p> <p>Consideration was given to the report of the Senior Licensing Officer.</p> <p>The Applicant was introduced to Officers and Members of the Committee and the Team Manager – Trading Standards and Licensing outlined the process to be followed at the meeting.</p> <p>At the invitation of the Chair the Team Manager – Trading Standards and Licensing advised that the report informed the Statutory Licensing Sub-Committee of representations received in respect of an application for a new premises licence at The Venue Convenience Store, Commonwealth Road, Garnlydan, Ebbw Vale in order to enable the Sub-Committee to determine the application in accordance with the Licensing Act 2003.</p> <p>The Team Manager advised that the application was submitted on 20th January, 2022 by Mr. Sunny Singh Sangha for a new premises licence at the premises at The Venue Convenience Store, Commonwealth Road, Garnlydan, Ebbw Vale. The convenience store was located inside ‘The Venue’ club building and permission had been granted by the Council’s Planning Team to reconfigure the internal area of existing club building to allow the convenience store to be incorporated.</p>

The Team Manager continued that an application to vary the existing premises licence in respect of the club to identify this change had also been submitted to the Licensing Team for determination. As a result of the reconfiguration the existing club would retain its original entrance at the side of the building and the new convenience store would have a new entrance at the front of the building. There would be no access to either licensed premises from the other.

The Team Manager advised that the Applicant wished to provide licensable activities, supply of alcohol at the premises Monday to Sunday between the hours of 08.00 am – 10.00 pm. The proposed opening times of the premises would be Monday to Sunday 08.00 am – 10.00 pm.

In accordance with the Licensing Act 2003, as part of the consultation process, the Applicant had a duty to send copies of the application to Responsible Authorities. Therefore, consultation has been carried out with Gwent Police, South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning, Environmental Health, Social Services departments and Aneurin Bevan Health Board. In addition, the Applicant placed a notice of the application at the premises for 28 days to enable Other Persons, i.e. local residents and businesses, to make representations, a notice was placed on the authorities website, also a notice was also published in the Gwent Gazette within 10 days of the date the application was received. There had been no representations received from South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning and Environmental Health. However, it was noted that representations had been received from Gwent Police.

The Team Manager advised that the representations made by Gwent Police had been withdrawn as the Applicant agreed to include the conditions recommended by Gwent Police as detailed in the report.

In conclusion, the Team Manager advised that in considering this application the Sub-Committee must take account of the provisions in the Licensing Act 2003, in particular, the licensing objectives which are:-

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

The guidance issued by the Home Office under section 182 of the Act and the Council's licensing policy must be taken into account when considering this application.

The Team Manager thereupon referred the Sub-Committee to the options for recommendations as follows:-

- to grant the licence subject to the conditions consistent with the operating schedule;
- to modify the conditions on the licence to the extent considered appropriate for the promotion of the licensing objectives;
- to exclude a licensable activity from the scope of the licence;
- to refuse to specify a person as a designated premises supervisor; or
- to reject the application

The Chair thanked the Team Manager for the overview of the report and invited the Applicant to present his case.

Mr. Dixon reported that Mr. & Mrs Adlam was business owners of another shop in the area and therefore it was felt they were objecting to the application in the interest of their business.

Mr. Dixon advised that the reason for the application had been to include a separate convenience store within the existing premises. Mr. Dixon advised that Mr. Sangha was the owner of the premises and had run a social club for many years with no breaches in the licence. Therefore, Mr. Sangha had wished to renovate the building to include an off-licence to run as a business.

At this juncture, the Chair invited the objectors to address the Sub-Committee.

Mr. Adlam firstly wished to report that he was objecting as a resident of Garnlydan and not as a business owner. Mr. Adlam thereupon read the statement which had been submitted against the application as detailed in the report.

Mr. Adlam, Objector raised a number of issues which the Chair and Local Authority Solicitor confirmed were not relevant to the application and did not meet the licensing objectives.

Mrs. Adlam, Objector felt that another off licence within the Estate would increase the availability of alcohol and could attract young people to the area with an increased risk of anti-social behaviour which would impact on public safety. Mrs. Adlam added that she was an active member of a local Community Group who had been working with the Gwent Police and Tai Calon to improve the area.

Mrs. Adlam had major concerns about the state of the building and the general cleanliness of the surrounding area. The Sub-Committee was informed that pest control had visited the building due to sighting of rats and Mrs. Adlam had on many occasions cleared rubbish and litter from the around the building.

Mrs. Adlam felt that the current state of the building showed the complete lack of respect the Applicant had for the area.

In response to comments raised by the Applicant's Representative, Mrs. Adlam reiterated that both her and her father was objecting as residents of Garnlydan and did not own the local convenience store. Mrs. Adlam reiterated she was an active and passionate member of the local community group and wanted to improve the area.

Mrs. Adlam added that Nick Smith, M.P. had been contacted on this matter and fully supported the objections raised.

There were no further questions from the representatives or Members of the Sub Committee.

At this juncture the attendees of the meeting were asked to sum up their representations.

The Applicant's Representative appreciated the concerns raised by the objectors in relation to the condition of the building and it was felt these concerns would be addressed as the building would undergo an extensive refurbishment if the application was approved.

Mr. and Mrs. Adlam noted the comments of the Applicant's Representative, however they were not confident that their concerns would be addressed as Mr. Sangha had owned the building for many years and had made no attempt to renovate the building or keep the premise clear of rubbish.

At this juncture, the Applicant, Applicant's Representative, Objectors and Licensing Officers left the meeting in order for the Sub-Committee to consider the application.

The Committee discussed the application at length and a decision was made and attendees were invited back into the meeting.

At this juncture, the Local Authority Solicitor provided the decision of the Sub-Committee.

The Sub-Committee considered the written representations for this application for a New Premise Licence for The Venue Convenience Store, Commonwealth Rd, Garnlydan as presented in the Officer's report, together with the oral representations given at the hearing on behalf of the Applicant and Objectors.

The Sub-Committee were made aware of the initial objections by Gwent Police which were withdrawn when the Applicant agreed to the various conditions as set out in the Officer's report.

In reaching its decision today, the Sub-Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council.

The Sub-Committee have considered the Application in light of the four Licensing Objectives:-

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

The Sub-Committee also appreciates that the Objectors have concerns, however based on the conditions as outlined in the report that the Applicant is willing to abide by, the decision was made to:-

To grant the License with the following conditions;

Supply of Alcohol, Monday – Sunday 08.00am – 10.00pm
Opening Times - Monday – Sunday 08.00am – 10.00pm

- CCTV to be in operation.

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 date the licence is granted.

- 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;

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- 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, informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported.
 - Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
 - The premises licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
 - There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.
 - There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises.
 - Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity.
 - 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. Records to be maintained for a minimum of 12 months.
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- Clear notices displayed at entry/exit points where customers leave the premises must instruct them to respect the needs of local residents and leave the premises and the area quietly.

 - All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in proxy sales and how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Training should be clearly documented, signed and dated by both the trainer and member of staff receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.

 - An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 21' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 21 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 license and passport.

The Committee felt that as a result of there being no objections from responsible Authorities or any other residents, then this was the correct decision to make.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.

No. 6

**LICENSING ACT 2003 – VARIATION OF PREMISES LICENCE –
THE VENUE, COMMONWEALTH ROAD, GARNLYDAN,
EBBW VALE**

Consideration was given to the report of the Senior Licensing Officer.

The Team Manager – Trading Standards and Licensing advised that the report informed the Statutory Licensing Sub-Committee of representations received in respect of an application for the variation of a premises licence at The Venue, Commonwealth Road, Garnlydan, Ebbw Vale in order to enable the Sub-Committee to determine the application in accordance with the Licensing Act 2003. The application was submitted on 20th January, 2022 by Mr Sunny Singh Sangha, for the variation of a premises licence at the premises The Venue, Commonwealth Road, Garnlydan, Ebbw Vale. The current premises licence had been in place since 2005 and the Team Manager noted the licensable activities as detailed in the report.

The Team Manager advised that the proposed variation was in relation to the change of layout to The Venue to accommodate the reduction in the size of licensed area. It was noted that planning permission had been agreed and there would be no change in operating hours. The entrances for the store and club would be different and neither would be adjoining to allow access from either place.

In accordance with the Licensing Act 2003, as part of the consultation process, the applicant has a duty to send copies of the application to Responsible Authorities. Therefore, consultation has been carried out with Gwent Police, South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning, Environmental Health, Social Services departments and Aneurin Bevan Health Board. In addition, the applicant placed a notice of the application at the premises, for 28 days to enable Other Persons, i.e. local residents and businesses, to make representations. A notice was placed on the authorities website, also a notice was also published in the Gwent Gazette within 10 days of the date the application was received.

The Team Manager noted that no representations were received from Gwent Police, South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning, Social Services departments and Aneurin Bevan Health Board. It was reported that representations had been received from Environmental Health as detailed in the report and these had been agreed by the applicant.

There were representations received from two 'other persons' as heard in relation to the previously application.

In considering this application, the sub-committee must take account of the provisions in the Licensing Act 2003, in particular, the licensing objectives which are:-

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

The guidance issued by the Home Office under section 182 of the Act and the Council's licensing policy must be taken into account when considering this application.

The Options for Recommendation was outlined as detailed in the report which was to be determined by the Sub-Committee.

The Chair invited the Applicant to present his case.

The Applicant's representative noted the application which had been presented to facilitate the remodelling.

The representations received for Mr. & Mrs. Adlam remained the same as reported for the previous application.

The Chair asked questions from Members at this juncture.

A Member felt it was important that both businesses are kept separate.

The Applicant. Applicant's representative, Objectors and Licensing Officers left the meeting at this juncture for Members to consider the application.

The Sub-Committee discussed the application at length and a decision was made and attendees were invited back into the meeting.

The Local Authority Solicitor outlined the decision of the Sub-Committee.

The Sub-Committee considered the written representations for this application for a **VARIATION** of Premise Licence for The Venue Convenience Store, Commonwealth Rd, Garnlydan as presented in the Officer's report, together with the oral representations given at the hearing on behalf of the Applicant and Objectors.

The Sub-Committee were made aware of the initial objections by Environmental Health Department which were withdrawn when the Applicant agreed to the various conditions as set out in the Officer's report.

In reaching its decision today, the Sub-Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council.

The Sub-Committee have considered the Application in light of the four Licensing Objectives:-

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

The Sub-Committee also appreciated that the Objectors have concerns, however based on the conditions outlined in the report that the Applicant was willing to abide by, the Sub-Committee felt that the application to vary the existing license should be granted with the conditions as stipulated in the Officers report and agreed as follows:

1. At times when regulated entertainment is provided and/or provision for entertainment facilities is made within the licensed premises all external openings to the licensed premises must be kept closed, save for the purposes of entering and exiting the premises.
2. No form of loudspeaker or sound amplification equipment shall be sited in or near any foyer, doorway, window or any external opening of the licensed premises.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.

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COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE CHAIR AND MEMBERS OF THE COUNCIL

**SUBJECT STATUTORY LICENSING SUB- COMMITTEE –
22ND JUNE, 2022**

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT: Councillor Lisa Winnett (Chair)

Councillors M. Cross
G. Thomas

WITH: Team Manager – Trading Standards and Licensing
Senior Licensing Officer
Licensing Officer
Solicitor

AND: Mr. J. Thevarasa, Applicant
Mrs. G. Sherratt, Applicant’s Legal Advisor
Councillor J. Morgan (Ward Member), Objector

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>No apologies for absence were reported.</p>	

<p>No. 3</p>	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest and dispensations were received.</p>	
<p>No. 4</p>	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Sub-Committee held on 10th March, 2022.</p> <p>RESOLVED that the Minutes be confirmed as a true record of proceedings.</p>	
<p>No. 5</p>	<p><u>REPORT - LICENSING ACT 2003 – VARIATION OF PREMISES LICENCE – A & J LOCAL STORE, 58 GLYN TERRACE, TREDEGAR, GWENT. NP22 4JA</u></p> <p>Consideration was given to the report of the Senior Licensing Officer.</p> <p>RESOLVED that the report be accepted and the Sub-Committee considered the written representations for this application for a variation of Premise Licence at 58 Glyn Terrace, Tredegar, Gwent, NP22 4JA as presented in the Officer’s report, together with the oral representations given at the hearing on behalf of the Applicant by his Representative and Ward Member. The proposal is that the times for sale of Alcohol be increased from 7am to 11pm.</p> <p>The Sub-Committee were made aware that there have been no concerns lodged by any Responsible Authority in relation to this proposed variation. The Sub-Committee were also made aware of the numerous objections to the applicant by residents living in the vicinity of 58 Glyn Terrace and that a petition with some 82 signatures against the Application has been obtained.</p>	

The residents main concerns are ‘the fear’ of anti-social behaviour/potential criminal damage and general disturbance due to historical issues with other premises opening until late in the locality.

In reaching its decision today, the Sub-Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council.

The Sub-Committee have considered the Application in light of the four Licensing Objectives:

- Prevention of Crime and Disorder,
- Public Safety,
- Prevention of Public Nuisance,
- Protection of children from harm.

Decision

The Sub-Committee considered all representations made on behalf of the Applicant today including the fact that the Applicant has had three Temporary Event’s Notices in the last 21 days and there have been no issues. It should be noted that the Applicant was granted a license on 28th July 2021 and then opened in March 2022.

The fact that residents have confirmed that they are fearful of anti-social behaviour and disturbance, has been considered carefully by the Committee, the weight given to this information is proportionate to the aforementioned. Consideration was also given to the mention of anti-social behaviour that has already taken place in the vicinity and it has been noted that there is no evidential link to suggest this has emanated from the premises subject to this application. However, the hours have been tailored to appease the residents and the License holder.

The Sub Committee has decided to:

To vary the License with Alcohol allowed to be served between 9am and 9pm.

The remainder of the conditions of the license as to remain the same but the language has been tailored to reflect the current day.

CCTV to remain in place. 28 Day cycles to be kept and to be made available on request. The Applicant is to inform the Police and Licensing Authority if the CCTV ceases to work and need to get it repaired as soon as practically possible.

DPS will continue to train staff to use the CCTV and the correct date and time will always appear on all images. There will be clear signage on the premises to indicate there is CCTV in operation.

The Proof of age scheme to continue to be utilised at the premises. ID will be requested of those seemingly under 25 which will include name, address and photograph.

Any refusals to serve will be recorded with date, time and items. This will be kept for 12 months.

All staff are to be trained in Underage sales/ safeguarding. All training to be properly recorded and records retained.

There is to be an Incident report book to be retained and available for inspection by the Police and Licensing Authority.

Anyone displaying disorderly behaviour will be asked to leave.

Litter patrol by staff between 6am and 11 pm.

If any congestion by entrance or outside premises, will be asked to move away.

<p>No alcohol to be consumed outside the premises.</p>	
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<p>It should also be noted that if any incidences which can be evidenced, (and this is key), do occur, as a direct result of alcohol being served from this premises then the matter may be brought before committee once again for review.</p>	
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<p><u>Right to Appeal</u></p>	
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<p>All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.</p>	
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COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: **THE CHAIR AND MEMBERS OF THE STATUTORY LICENSING COMMITTEE**

SUBJECT **STATUTORY LICENSING SUB- COMMITTEE – 6TH JULY, 2022**

REPORT OF: **DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

PRESENT: Councillor Lisa Winnett (CHAIR)

Councillors S. Behr
G. Humphreys

WITH: Team Manager – Trading Standards and Licensing
Senior Licensing Officer
Solicitor

AND: Mr. P. Williams, Dukestown Workingmen’s Club Consultant
Mr. P. McGrath, Objector

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
No. 1	<p><u>SIMULTANEOUS TRANSLATION</u></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
No. 2	<p><u>APOLOGIES</u></p> <p>Apologies for absence was received from the Applicant’s Legal Representative and the Licensing Officer.</p>	

<p>No. 3</p>	<p><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></p> <p>No declarations of interest and dispensations were received.</p>	
<p>No. 4</p>	<p><u>LICENSING ACT 2003 – NEW PREMISES LICENCE – DUKESTOWN WORKINGMENS CLUB, 1 EVANS TERRACE, TREDEGAR, NP22 5ER</u></p> <p>Consideration was given to the report of the Senior Licensing Officer.</p> <p>RESOLVED that the report be accepted and the following decision was agreed:-</p> <p>The Sub-Committee considered the written representations received as presented in the Officer’s report, together with the oral representations given at the hearing on behalf of the Applicant and the other persons present.</p> <p>In reaching its decision, the Sub-Committee also considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council and the 4 licensing Objectives.</p> <p>The Sub-Committee made the following decision:-</p> <p>To grant the New Premises License subject to the following:-</p> <p>All licensable activities to take place between 11am and 11.00 p.m. Monday to Sunday.</p>	

Attached Conditions

The prevention of crime and disorder

1. CCTV cameras shall monitor all areas used by premises patrons (except the toilets) including any external area to monitor numbers and prevent crime and disorder
 - (i) 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.
 - (ii) 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;
 - (iii) 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;
 - (iv) The correct time and date will be generated onto both the recording and the real time image screen;
 - (v) 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;

- (vi) The premises 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;
- (vii) There shall be clear signage indicating that CCTV equipment is in use and re-cording at the premises during licensable hours.

2. An incident book will be kept and maintained at the premises at all times. It shall be made available on request to a police or authorised council employee. This book will be used to record the following:-

- (a) All crimes reported to the premises;
- (b) Any ejections of patrons and the reason(s) why;
- (c) Any disorder on the premises;
- (d) Any visit by representatives of a responsible authority;
- (e) Any failure of the CCTV system (including the dates and times of the outage);
- (f) Any refusals of the sale of alcohol to any patrons (including their description, details of the alcohol refused and the reason why and details of any identification requested and/or produced)

This record will be kept for a minimum of 12 months.

3. The licence holder or DPS shall risk assess the need for SIA door supervisors to be present in the premises. If door supervisors are present then the premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a register kept for that purpose:-

- (i) Full name;
- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
- (iii) The time they began their duty;
- (iv) The time they completed their duty.

This register was to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

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

Public safety

5. Whilst licensable activities are taking place, the toilets at the premises will be checked regularly for illegal drug use or supply. A written log of all checks must be kept at the premises for 31 days and made available for immediate inspection on the request of Gwent Police or an authorised officer of the licensing authority.
6. The License Holder/ DPS or responsible person will not allow the use of the car park as a beer garden. Staff will ensure that any bottles/ cans or glasses are removed from persons leaving the premises.
7. Adequate notices shall be displayed in appropriate locations to ensure that this information is brought to the attention of patrons.

The prevention of public nuisance

8. 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.
9. The premises supervisor, manager or other competent person shall manage the outdoor smoking area/car park when in use, to ensure that customers do not behave in a noisy, rowdy or offensive manner.

10. Patrons would not be permitted to use external areas of the licensed premises between the hours of 21.00 through to 10.00 Monday to Sunday inclusive other than for the purposes of arrival, departure or use of a designated smoking area. Where the Licensee intends to designate a smoking area a plan indicating its location must be submitted to the Licensing Authority for approval by the Local Authorities Environmental Health Department prior to use.
11. Anyone temporarily leaving the premises to smoke would not be permitted to take alcohol with them.
12. Clearly legible notices shall be displayed at all exits from the premise requesting public, and staff to respect the needs of local residents and to leave the premise and area quietly.
13. Regulated entertainment would not be provided outdoors.
14. Amplified music shall not be played at a level that would cause unreasonable disturbance to the occupants of any properties in the vicinity.
15. The Licensee shall ensure that no noise, odour or light shall emanate from the licensed premises or vibration be transmitted through the structure of the licensed premises which gives rise to a nuisance to the occupiers of premises in the vicinity of the licensed premises.
16. At times when regulated entertainment is provided and/or provision for entertainment facilities is made within the licensed premises all external openings to the licensed premises must be kept closed, save for the purposes of entering and exiting the premises.
17. No form of loudspeaker or sound amplification equipment shall be sited in or near any foyer, doorway, window or any external opening of the licensed premises.

18. A noise limiting device shall be installed, fitted and maintained in such a manner as to control all sources of amplified music or amplified speech inside the premises to prevent noise nuisance to neighbouring properties. The noise limiter(s) shall be set following consultation with the Council's Noise Prevention Team and the limiter shall be situated out of public view and controllable by the premises staff only.
19. The Manager or a nominated representative shall receive and respond to complaints and would have full control at all times over the sound amplification.
20. The Manager or a nominated representative shall ensure that no nuisance was caused by noise emanating from the premises by implementing a Self-Policing Policy which shall include sound checks inside and out.
21. Outdoor lighting shall be positioned, so far as was 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.
22. Except for access and egress all doors and windows shall be kept closed during periods of entertainment associated with the Premises Licence.
23. Appropriate waste receptacles for the receipt of tobacco waste shall be provided in all designated smoking areas to the licensed premises.
24. Glass waste from the premises would not be emptied into receptacles outdoors between the hours of 22:30 and 0800.

25. A noise management plan should be submitted to the Council's Environmental Health department within 3 months of any licence granted. This plan should detail how they intend to control noise from activities both inside and outside the club.

26. Picnic tables or any other furniture will not be used in the car park or smoking area at any time. Smoking area was to be a 'standing area only'.

The protection of children from harm

27. A 'Challenge 25' policy would be in place for checking persons suspected of being under-age. 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 was 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 bearing the PASS hologram.

28. 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.

29. A record of all refusals will be kept in the incident book detailing the time and date, the goods the person serving refuses and the name of the persons who tried to purchase, if known. If no name was 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.

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|---|--|
| <p>30. Any person working on the premises who is likely to sell alcohol, is to be trained with respect to underage sales, proxy sales and 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 trainee. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable and kept for a period of 12 months.</p> <p>31. Children are to be accompanied by a responsible adult and supervised at all times.</p> <p><u>Right to Appeal</u></p> <p>All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.</p> | |
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Agenda Item 9

Executive Committee and Council only

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

Committee: Statutory Licensing Committee

Date of meeting: 12th September 2022

Report Subject: Statutory Licence Fees 2022/23

Portfolio Holder: Statutory Licensing Committee

Report Submitted by: David Thompson, Service Manager – Public Protection

Report Written by: Steve Osborne, Team Manager – Trading Standards and Licensing

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Statutory Licensing Committee
23.8.22	25.8.22							12.9.22

1. Purpose of the Report

- 1.1 To agree Gambling Licence Fees and Fees for Hypnosis and Films for the year 2022/23 which fall to the Statutory Licensing Committee for consideration in accordance with the Council's Constitution.

2. Scope and Background

- 2.1 Members will be acutely aware of the pressures placed upon businesses during the global pandemic. As services are struggling to recover from this, a cost of living crisis has developed, further hitting the businesses through increased energy costs and inflationary pressures. In these difficult and challenging times for both businesses and the wider public, and having regard to the budget setting cycle, Corporate Leadership Team has been consulted and supported the proposal that fees for Gambling Licences are reduced in line with cost recovery calculation work undertaken in 2022. This proposed reduction is a consequence of procedures which were changed during the COVID pandemic and which can result in a greater impact on gambling licences due to the relatively small number of licences issued. It is worth noting that as Licensing services recover from the effects of the pandemic, costs for these could again increase in future years.

2.2 No changes are proposed for Hypnosis or Film fees and the Authority currently has no licences issued in these categories.

2.3 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provides for the following types of fees to be determined by licensing authorities:

- Licence application fee
- First annual fee
- Annual fee
- Notification of change of circumstances fee
- Application to vary a licence fee
- Application to transfer a licence fee
- Fee for a copy of a licence
- Application for re-instatement of a licence fee
- Provisional statement application fee.

These Regulations stipulate a maximum figure that a local authority is permitted to charge for the licensing of premises under the Gambling Act 2005. Local authorities are permitted to charge a fee based on reasonable cost recovery up to this maximum, but not above. Where the costs of the authority exceed the amount they are able to charge, this cost must be borne by the Authority.

The maximum license fees that we are permitted to charge are shown in column 5 of Table 1 in **Appendix 1**.

2.4 The Authority currently licences the following premises under the Gambling Act 2005,

Alcohol Licence Notification of Machines – 66
Alcohol Licence Permit – 4
Club Machine Permit – 14
Betting Office – 9
Adult Gaming Centre – 3

Fees for Alcohol Licence Notifications and Permits, and Club Machine Permits are determined by Government, and do not therefore form part of this report.

The current licence fees are shown in column 6 of Table 1 - **Appendix 1**.

2.5 When calculating new licence fee costs, there is a range of legislation and guidance around fee setting for local authorities that must be taken into account. These include:

1. The Provision of Services Regulations, which states that any charges provided for by a competent authority which applicants may incur under an authorisation scheme must be reasonable and proportionate

to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.

2. Local Government Association guidance on locally set fees, and the Department for Business, Energy & Industrial Strategy Guidance for Business on the Provision of Services Regulations.

3. Appropriate case law – and in particular to *Hemmings v Westminster*

2.6 Local Authorities incur various direct and indirect costs in the administration and enforcement of licences, including:

1 Implementation costs, including the costs of developing policies and setting fees, authorisation of officers, management of the licensing function etc.

2 Direct staff costs, including on-costs, travel, staff training etc. and including the costs of any senior managers, licensing committees etc. directly involved in the licensing process.

3 Indirect costs that support the licensing function, such as general management functions, Legal, HR, finance, customer call centres etc.

4 Specialist equipment costs, particularly the use of specialist IT databases to record and report this work

5 Any third party costs used for inspection and enforcement etc.

2.7 A full assessment of licensing costs was undertaken in early 2022 with a view to these being set for the financial year 22/23. In order to update these costs, the following steps have been taken:

1 The licence steps and average time taken for each step, including the development of policies etc. have been reviewed for accuracy

2 Other costs such as IT costs have been reviewed to ensure they remain relevant, and

3 The officer hourly rate and on-costs etc. have been reviewed by the finance team.

2.8 The proposed Gambling fees calculated from the for 2022/23 are shown in **column 7** of Table 1 in **Appendix 1**.

2.9 Members will note the significant reduction proposed in fees which reflect the reduced work carried out during the pandemic and significant changes to procedures. These have a more acute affect upon gambling fees than other areas due to the relatively small number of licences in Blaenau Gwent.

2.10 Despite there being only a small number of licenses, the effect on the Department's income is a reduction of £4,506 as shown in **Appendix 2**.

- 2.11 Following discussion with the Authority's Resources Team, it is intended that the service should attempt to mitigate any cost pressures within the service area however, if this is not possible, it is proposed that the deficit should be funded via a contribution from the Covid reserve.
- 2.12 For comparative purposes, the fees being charged by neighbouring authorities are shown in the columns 1 to 4 of Table 1 in **Appendix 1**.
- 2.13 The maximum fee permitted has been calculated in order to ensure effective cost recovery wherever possible.
- 2.14 As no fees have become payable before this matter has been determined, Members are able to agree fees for the entire financial year 22/23. The new fees will therefore apply to all appropriate fees for this year.
- 2.15 A review of all fees will commence again in Autumn 2022 for the 23/24 financial year, to bring this in line with budget setting cycle for next year.

3. Options for Recommendation

3.1 Members are asked to:

- 1 Agree the proposed fees for Gambling Licences, Hypnosis and Films as per **Appendix 1, (Preferred Option)** or
- 2 Consider an alternative fee structure.

4. Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan

- 4.1 Links to the Corporate Plan and the Well-being plan are covered in any reports implementing or varying any area of work delivered by the Licensing Team, and there are therefore no direct links to this report.
- 4.2 These fees relate to businesses, and form just a small part of the overall costs borne by those businesses. There are therefore no well-being implications.

5. Implications Against Each Option

- 5.1 Budgetary implications – See paragraph 2.10. There is a balance to be reached between funding services in order to protect public safety, and supporting businesses and others who depend on licences for their livelihoods.

- 5.2 In times of increasing local authority austerity, fees are an important element of local authority income. Due to fee increases not being agreed in previous years, but the income budgets subject to inflationary increases (in line with the assumptions in the Medium Term Financial Strategy), there is likely to be a net cost pressure on the Licensing Committee's Income of £3,000 based on the forecasts of all income 2022/23. The costings for the Licenses are prepared at a point in time, and we anticipate an increase in direct costs post pandemic, including the pay award for 2022/23. Standards stipulate the authority is permitted to charge a fee based on reasonable cost recovery, as Activity Based Costing has been applied, the reduction in income from gambling licenses is inevitable
- 5.3 Reputational risk – The preferred option reduces the risk of criticism or successful challenge in relation to Gambling Act fee levels.
- 5.4 Legal implications – this report refers to statutory powers and responsibilities of the authority and, providing legislative and statutory processes are followed and evidenced, there should be no significant legal impacts arising.
- 5.5 Resources – The global pandemic has placed the Authority under unprecedented pressures requiring flexibility from staff to help bolster the response to the pandemic while maintaining essential services such as taxi licensing. As the recovery continues during this turbulent economic period, it is recommended that fees are adopted as per Option 1 above.

6. **Supporting Evidence**

- 6.1 Supporting evidence to justify 2020/21 fee levels were considered when this fee was set at March 2020. No new evidence is put forward at this stage as no changes are proposed in this report.

7. **Monitoring Arrangements**

- 7.1 Any licence fees will be subject to annual review, reporting to the Licensing Committee as appropriate.

Background Documents /Electronic Links

- Section 65 of the Local Government (Miscellaneous Provisions) Act 1976
<http://www.legislation.gov.uk/ukpga/1976/57/section/65>

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Gambling Fees 2022/23 – Table 1

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7
	Caerphilly 2021/22 fees Not currently under review	Monmouth	Torfaen 2022/23 Approved 10.2.2022	Merthyr Current fee	Maximum permitted fees	Blaenau Gwent Current fees from 1/8/2018	Blaenau Gwent Proposed Fees 2022/23
APPLICATION FEE							
Bingo Premises Licence	£680	£1655	£1686.42	£520	£3500	£988	£446
Adult Gaming Centre Premises Licence	£680	£1343	£1701.52	£520	£2000	£988	£446
Betting Premises (Track) Licence	£900	£2190	£1634.42	£520	£2500	£988	£446
Family Ent Centre Premise Licence	£680	£1532	£1588.23	£520	£2000	£988	£446
Betting Premises (Other) Licence	£680	£1715	£1659.90	£520	£3000	£988	£446
APPLICATION FEE WHERE PROVISIONAL STATEMENT PREVIOUSLY ISSUED							
Bingo Premises Licence	£405	£1200	£1113.23	0	£1200	£982	£440
Adult Gaming Centre Premises Licence	£405	£1200	£1087.03	0	£1200	£982	£440
Betting Premises (Track) Licence	£564	£950	£950	0	£950	£950	£440
Family Ent Centre Premise Licence	£405	£950	£950	0	£950	£950	£440
Betting Premises (Other) Licence	£405	£1200	£1096.54	0	£1200	£982	£440
ANNUAL FEE							
Bingo Premises Licence	£405	£1000	£819.16	£335	£1000	£722	£255
Adult Gaming Centre Premises Licence	£405	£1000	£800.95	£335	£1000	£722	£255
Betting Premises (Track) Licence	£564	£1000	£807.02	£335	£1000	£722	£255
Family Ent Centre Premise Licence	£405	£750	£750	£335	£750	£722	£255
Betting Premises (Other) Licence	£405	£600	£600	£335	£600	£600	£255
TRANSFER APPLICATION FEE							
Bingo Premises Licence	£680	£1200	£963.17	£138	£1200	£982	£379
Adult Gaming Centre Premises Licence	£680	£1200	£969.24	£138	£1200	£982	£379
Betting Premises (Track) Licence	£564	£950	£950	£138	£950	£982	£379
Family Ent Centre Premise Licence	£680	£950	£950	£138	£950	£982	£379

Betting Premises (Other) Licence	£680	£1200	£972.14	£138	£1200	£982	£379
VARIATION APPLICATION FEE							
Bingo Premises Licence	£680	£1617	£1125.90	£138	£1750	£879	£440
Adult Gaming Centre Premises Licence	£680	£1000	£1000	£138	£1000	£879	£440
Betting Premises (Track) Licence	£900	£1250	£1095.66	£138	£1250	£879	£440
Family Ent Centre Premise Licence	£680	£1000	£1000	£138	£1000	£879	£440
Betting Premises (Other) Licence	£680	£1500	£1109.21	£138	£1500	£879	£440
PROVISIONAL STATEMENT APPLICATION FEE							
Bingo Premises Licence	£680	£1650	£1447.02	£520	£3500	£906	£446
Adult Gaming Centre Premises Licence	£680	£1339	£1539.14	£520	£2000	£906	£446
Betting Premises (Track) Licence	£900	£2187	£1440.95	£520	£2500	£906	£446
Family Ent Centre Premise Licence	£680	£1529	£1450.32	£520	£2000	£906	£446
Betting Premises (Other) Licence	£680	£1711	£1534.86	£520	£3000	£906	£446
APPLICATION FOR REINSTATEMENT FEE							
Bingo Premises Licence	£680	£1200	£957.10	£138	£1200	£882	£379
Adult Gaming Centre Premises Licence	£680	£1200	£973.38	£138	£1200	£882	£379
Betting Premises (Track) Licence	£564	£950	£950	£138	£950	£882	£379
Family Ent Centre Premise Licence	£680	£950	£950	£138	£950	£882	£379
Betting Premises (Other) Licence	£680	£1200	£958.90	£138	£1200	£882	£379
CHANGE OF CIRCUMSTANCES FEE	£50	£50	£50	£35	£50	£50	£50
DUPLICATE LICENCE FEE	£25	£25	£25	£20	£25	£25	£25

Hypnosis Fees – Table 2

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Caerphilly	Monmouth	Torfaen	Merthyr	BGCBC current fees from 1/4/2019	BGCBC Current and proposed fees 2022/23
APPLICATION FEE						
Application (Single Event)	No fee charged	No fee charged	£261.50	N/A	£40.30	£40.30

Film Classification Fees – Table 3

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
	Caerphilly	Monmouth	Torfaen	Merthyr	BGCBC current fees from 1/4/2019	BGCBC current and proposed fees 2022/23
ACTIVITY TYPE						
Reclassification Application	No fee charged	No fee charged	£253	N/A	£372.23	£372.23
New Application (Unclassified)	No fee charged	No fee charged	£423.10	N/A	£276.53	£276.53
Copy of Licence	No fee charged	No fee charged	N/A	N/A	£18.90	£18.90

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APPENDIX 2

Licence Type	Current number of licences due for renewal or annual fee in 2022/23	Current fee £	Total estimated income from current fee £	2022/23 proposed fee £	Total estimated income from 2022/23 calculated fee £	+/- difference £
Gambling annual fee - AGC	3	722	2,166	255	765	-1,401
Gambling annual fee - Betting	9	600	5,400	255	2,295	-3,105
TOTAL			7566		3,060	-4,506

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