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**Blaenau Gwent**

Our Ref./Ein Cyf.

Your Ref./Eich Cyf.

Contact:/Cysylltwch â: Gwasanaethau Democraidd

**THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND**

Dydd Gwener, 21 Hydref 2022 Dydd Gwener, 21 Hydref 2022

Dear Sir/Madam

**IS-BWYLLGOR TRWYDDEDU STATUDOL**

A meeting of the Is-Bwyllgor Trwyddedu Statudol will be held in will be held virtually via Microsoft teams (if you wish to observe this meeting please contact Committee.services@blaenau-gwent.go.uk) on Dydd Iau, 27ain Hydref, 2022 at 9.00 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 am absenoldeb.

**3. DATGANIADAU BUDDIANT A GODDEFEBAU**

Derbyn datganiadau buddiant a goddefebu a wnaed.

**4. DEDDF TRWYDDEDU 2003 – ADOLYGU TRWYDDED 3 - 18  
SAFLE, THE BADMINTON, BEAUFORT TERRACE,  
GLYNEBWY**

Ystyried adroddiad yr Uwch Swyddog Trafodaeth.

To: Councillor D. Rowberry  
M. Cross  
L. Winnett (Cadeirydd)

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

# Agenda Item 4

*Executive Committee and Council only*

Date signed off by the Monitoring Officer:

Date signed off by the Section 151 Officer:

## **Committee: Statutory Licensing Sub-Committee**

Date of meeting: **27<sup>th</sup> October 2022 – 9.00 am**

Report Subject: **Licensing Act 2003 – Review of Premises Licence, The Badminton, Beaufort Terrace, Ebbw Vale, Gwent. NP23 5NN**

Report Submitted by: **Miss H Jones**

Report Written by: **Mrs M Bennett**

### **1. Purpose of the Report**

- 1.1 To determine an application for the review of premises licence in respect of The Badminton, Beaufort Terrace, Ebbw Vale, Gwent. NP23 5NN in accordance with the Licensing Act 2003. The application has been submitted by a 'local resident' on 31<sup>st</sup> August 2022. A location map of the premises is attached as **Appendix 1**.
- 1.2 At the time of receipt of the review application, the Premises Licence Holder and Designated Premises Supervisor (DPS) was Mr Nicholas. Mr Nicholas had been named on the license since 27<sup>th</sup> September 2016. A licence has been in effect at the premises since 25<sup>th</sup> March 2010. However, applications to transfer the licence and vary the DPS were submitted to the Council on 22<sup>nd</sup> September 2022 and the Premises Licence Holder is now Carol Nicholas and the DPS is Abigail Richards.

### **2. Scope and Background**

- 2.1 This report seeks to inform the Sub-Committee of the Licence Review application received and further to allow a Hearing to take place to determine the application in accordance with the Licensing Act 2003. A copy of the application is attached as **Appendix 2**.
- 2.2 The current premises licence, permits licensable activities as follows

<b>The times the licence authorises the carrying out of licensable activities:</b>			
<b>Activity</b>	<b>Day of week</b>	<b>Time from</b>	<b>Time to</b>
Live music	Monday to Sunday New Years Eve	11.00 pm 11.00 pm	12.00 Midnight 2.00 am
Recorded Music	Monday to Sunday New Years Eve	11.00 pm 11.00 pm	12.00 Midnight 2.00 am
Supply of alcohol	Monday to Sunday New Years Eve	11.00 am 12.00 Midday	12.30 am 2.00 am
<b>The opening hours of the premises:</b>			
<b>Day of the week</b>	<b>Time from</b>	<b>Time to</b>	
Monday to Sunday New Years Eve	11.00 am 12.00 Midday	12.30 am 2.30 am	

\*A licence is not required for live music, recorded music, or anything similar to live music, recorded music when the activity takes place between 8am and 11pm to audiences of 500 people or less

In addition to standard mandatory premises licence conditions, the licence is subject to the following conditions –

No persons under the age of 18 are to be permitted on to the premises unless accompanied by a parent or legal guardian

Challenge 21 will be in operation on the premises

Staff will be trained on under age sales procedures e.g, ID's and the challenge 21 policy including Trading Standards

under age sales training pack prior to commencing sales of alcohol.

Photo Driving Licences and PASS accredited ID cards will be accepted to prove a prospective purchasers age.

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.

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.

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.

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.

Patrons will not be permitted to use external areas of the licensed premises between the hours of 10.00pm through 10.00am 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.

Appropriate waste receptacles for the receipt of tobacco waste shall be provided in all designated smoking areas to the licensed premises.

- 2.3 In accordance with the Licensing Act 2003, the Licensing Authority has 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, Social Services departments, the Aneurin Bevan Health Board, Home Office

- 2.4 A notice of the application was displayed at the Council's Licensing Offices, and advertised on the Council's website. In addition, a notice of the application was displayed at the premises for 28 days to enable 'other persons', i.e. local residents and businesses, to make representations by 9<sup>th</sup> October 2022.
- 2.5 No representations were received from Gwent Police, South Wales Fire and Rescue Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement, Planning, Social Services departments, the Aneurin Bevan Health Board, Home Office. In addition, no representations were received by 'other persons' or businesses.
- 2.6 The Council's Environmental Protection Team has been dealing with a noise complaint from the review applicant in relation to the premises which was received on the 21<sup>st</sup> June 2022.

The complainant completed log sheets as requested for the period of the 23<sup>rd</sup> June to the 3<sup>rd</sup> July 2022. During this period, 7 incidents were logged in total, alleging issues with loud voices, swearing, shouting and loud music. The complainant was also given access to The Noise App to make recordings of the alleged noise. Between the 11<sup>th</sup> June to the 3<sup>rd</sup> September, the applicant made 7 recordings consisting of loud voices, shouting and swearing. However, the evidence provided to date is insufficient for Environmental Health to prove that a Statutory Nuisance exists and the complaint is now considered closed. Consideration was also given to the length of time the case has been open for and the amount of evidence gathered over this period, being the 21<sup>st</sup> June to the 6<sup>th</sup> October 2022.

- 2.7 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.

2.8 Section 51 of the Licensing Act 2003, the Guidance issued under the Licensing Act 2003 and the Council's licensing policy, must be taken into account when considering this application.

### **3 Options for Recommendation**

3.1 The options available to the sub-committee are:

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

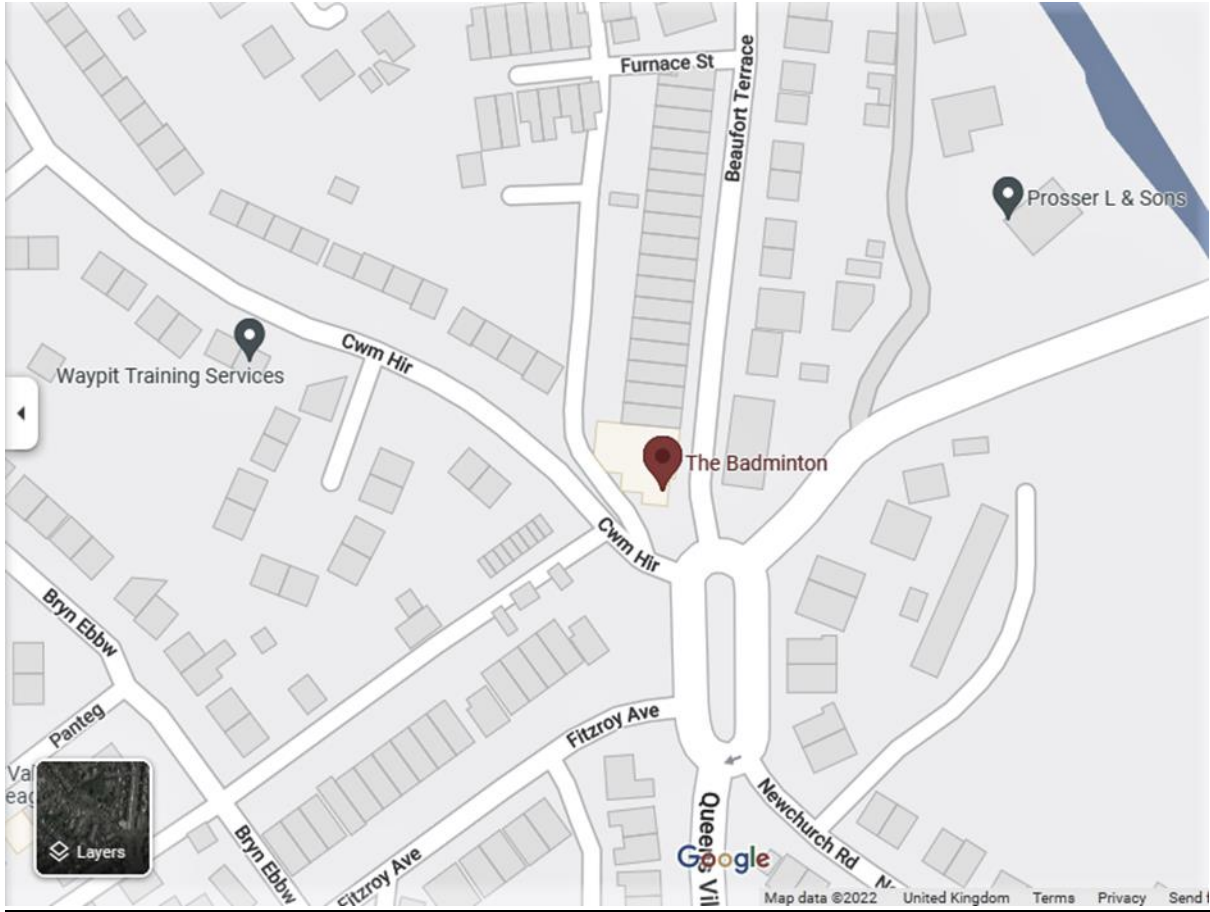
### **3.2 Background Documents /Electronic Links**

- Appendix 1 – location map of premises
- Appendix 2 – Application for the review

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# APPENDIX 1



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## APPENDIX 2



### LICENSING ACT 2003

#### Application for the review of a premises licence or club premises certificate

Blaenau Gwent Council is required to meet the Welsh Language Standards put in place by the Welsh Language Commissioner. These standards are intended to actively promote and encourage the use of the Welsh language in everyday life throughout Wales.

As a Council, we are committed to meeting our requirements, and would like to establish how you wish to receive correspondence from us in the future. Please tell us if you would prefer all your correspondence in Welsh only, English only or bilingually (Welsh and English).

In response to information we receive back regarding language preference, changes to the way we work will be required. We have a duty to look after the information you send us, and will use it to help us communicate with you through your preferred language(s).

Therefore, you are required to select your preferred language choice for future correspondence from the Council

Name :

Address :

Welsh only  English only  Bilingual

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I understand that to make, knowingly or recklessly, a false statement or omit any information from this application, is a criminal offence.

I also understand that Blaenau Gwent County Borough Council is under a duty to protect public funds it administers and, to this end, may use the information I have provided on this form, within Blaenau Gwent County Borough Council, for the prevention and declaration of fraud. It may also share this information with other bodies administering or in receipt of public funds solely for this purpose.

Signed:

Date: 31/8/22

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi rhoi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay

## APPENDIX 2



## LICENSING ACT 2003

### Application for the review of a premises licence or club premises certificate

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I

.....  
*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
The Badminton Club, Beaufort Terrace,	
<b>Post town</b> Ebbw Vale	<b>Post code (if known)</b> NP23 5NN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>

<b>Number of premises licence or club premises certificate (if known)</b>
Not known

#### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

X

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

## **APPENDIX 2**

### **(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**X**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

### **(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

### **(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

## **APPENDIX 2**

**This application to review relates to the following licensing objective(s)**

- |   |                                 |
|---|---------------------------------|
|   | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input type="checkbox"/>        |
| 2) public safety                        | <input type="checkbox"/>        |
| 3) the prevention of public nuisance    | <b>X</b>                        |
| 4) the protection of children from harm | <input type="checkbox"/>        |

**Please state the ground(s) for review** (please read guidance note 2)

I believe the licensee of the Badminton Club is failing to prevent his customers being a public nuisance.

Customers constantly use the area at the front of the premises as a 'beer garden' despite this being designated a 'smoking area'. Customers are constantly shouting and swearing very loudly. This can easily be heard from my garden, bedrooms and living room. It is necessary to close windows and patio doors in order to have peace and quiet and be able to hear the TV & listen to music.

We are unable to enjoy relaxing or entertaining friends & family in our garden as there are often young children present and we feel it isn't acceptable for them to hear bad language constantly.

I feel it is the licensee's responsibility to ensure that his customers are respectful of residents of surrounding houses by ensuring their language is appropriate and the volume of noise is acceptable. However, he is failing to do this. Having telephoned the premises on several occasions to complain, he will not even answer the phone.

This has been an issue at various times of the day from 8.00am (when going on a trip), throughout the day and often late into the evening (up to 12.30-1.00am on occasions).

My husband and I both work full-time and it is impossible to have an early night (particularly on a Friday or Saturday) in the Summer as we are unable to sleep due to the noise from customers of the Club.

This ongoing problem is completely unfair on ourselves and other local residents and this matter really needs to be addressed by the authorities which hold the power to do so. Enough is enough!

## **APPENDIX 2**

**Please provide as much information as possible to support the application** (please read guidance note 3)9

This problem has continued for the last 5 years between April to October. The issue is obviously worse when the weather is warm and sunny as customers linger outside the Club for longer periods and later into the evening.

We have complained about this continuously over the years to both the Council and the Police as we have also witnessed customers urinating in the lane at the rear of the Club and sniffing drugs off the top of wheelie bins also. In addition, there is often cars parked outside the Club with music blaring from the vehicles.

We have completed a log of incidents and submitted this to the Environmental Health Department as well as uploading sound recordings via the Noise App. I have spoken to Environmental Officers on the phone who have been sympathetic and helpful. We were offered sound recording equipment a few years ago, however, we declined this as the issue had largely resolved itself due to the beginning of the cold weather (around October time, I believe).

I feel that this is an ongoing issue every year between April & October and whilst we begin to complain about it in April, by the time investigations, visits to the licensee, sound recordings are uploaded etc etc, the problem resolves itself as by then it is around October time and customers tend to remain inside the Club and are unable to be heard by surrounding houses.

## **APPENDIX 2**

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to the premises, please state what they were and when you made them**

I am unclear what 'representations' mean.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION OF A FINE OF ANY AMOUNT**



## **APPENDIX 2**

### **Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature  
.....

Date           **31/8/22**  
.....

Capacity    **Local resident**  
.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**  
**Ebbw Vale**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

### **Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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