

MINUTES OF A MEETING OF THE LICENSING ACT 2003 SUB-COMMITTEE (A) HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON MONDAY, 27 MARCH 2017 AT 10.00 AM

Present

Councillor R Williams – Chairperson

JE Lewis MEJ Nott OBE

Officers:

Katie Brook Senior Licensing Technical Officer
Mark Galvin Senior Democratic Services Officer - Committees
Andrea Lee Senior Lawyer
Yvonne Witchell Team Manager Licensing

4. DECLARATIONS OF INTEREST

None

5. LICENSING ACT 2003: SECTION 17 APPLICATION FOR PREMISES LICENCE, VILLAGE CAFE AND FUNCTION ROOM, BETTWS LIFE CENTRE, BETTWS

The Senior Licensing Officer (Technical) presented a report, the purpose of which, was to advise Members of an application made by NSA Afan Community Regeneration Ltd for a new Premises Licence for the above premises, which consisted of a Café, Bar and Function Hall at the Life Centre.

She advised that the application had been the subject of statutory consultation with the relevant bodies as well as being advertised in accordance with the Regulations, and a copy of the application was shown at Appendix A to the report together with the proposed Licence Plan.

The report outlined certain background information, and the nature of the application was for a Premises Licence which would authorise the supply of alcohol for consumption on the premises only, as well as to include entertainment in the form of plays, recorded music and live music, as specified in the application during the hours as follows:-

Monday to Sunday - 09:00 to 2400 hours
Hours open to the public – 0900 to 0030 hours

Representations had been received from the Chief Officer of Police and these were shown in Appendix B to the report.

Paragraph 4.2 of the report then gave details of representations to the application from other parties and these were also included in further Appendices attached to the report.

Two further documents over and above those contained in the papers that accompanied the agenda were tabled at the meeting, and these were in the form of e:mails exchanged between the applicant and representatives from the Council's Public Protection Department and the Enforcement Section of the Licensing Department. They included suggested added Conditions to the application for Premises Licence that had been shared with South Wales Police and agreed to by the applicant. Two changes in particular, were for live music at the premises to finish at 23:00 hrs, and that all windows to the main hall should be kept closed during regulated entertainment.

The Senior Licensing Officer (Technical) added that as a result of further discussions between the relevant parties that had taken place on Friday 24 March 2017, the applicant submitted an amended to the original application, which included a change in respect of regulated entertainment and hours previously recommended for the sale of alcohol at the premises. These would be explained by the applicant when they gave their submission to Members.

PC Sarah Rowlatt advised that several meetings had taken place with the applicant where the changes proposed to the application had been openly discussed. She asked Members if the meeting could stand adjourned to go through the detail of these changes to the application.

The Legal Officer asked the SW Police representatives why these issues had not been concluded prior to today's meeting.

PC Rowlatt advised that the main reason for this, was that the application had been submitted without it first having been presented to South Wales Police for consultation. The Police as a result of this, then put in an Objection Notice to the application prior to formal discussions between the applicant and the Police taking place. Since then however, consultations had taken place between both parties in the form of 3 meetings having since taken place. She proceeded by confirming that the form of entertainment to be provided at the premises as well as the operating hours, including those where alcohol would be served to patrons, had been agreed upon between both parties. However, agreement had not yet been reached with regard to the provision of CCTV at the premises, as well as a site being designated immediately outside of the premises for the provision of a smoking area, and how this would be controlled.

Mr Williams (a representative on behalf of the applicant) advised that aside of meeting with SW Police representatives regarding their representations to the application, consultations had also been ongoing with the Licensing Section regarding suitable Conditions that could be attached to any future Premises Licence. He wished to point out that the premises in question was not a nightclub, or indeed would not be a fully operated licenced premises in relation to its hours of opening. The application was more for a community premises to continue operating in as effective way as possible, as it had done for past generations. He added that the sale of alcohol at the premises would only be in respect of pre-arranged community organised events to which patrons would be invited, as opposed to coming in 'off the street'. He further added that there was a separate café to the function room, that provided meals and snacks, and also offered beer and wine by the glass. Though there was a small bar in the café this was not open in the daytime. Mr Williams conceded that there was an issue with CCTV at the premises, in that though there was CCTV camera's there, these could not be used by NSA Afan Community Regeneration Ltd, as they were leasing the building from BCBC through Arwen Trust a not for profit charitable organisation, and were therefore not prohibited to use such CCTV facilities for their own purposes. There was a library also situate within the Bettws Life Centre building, that Arwen again operated on behalf of the local authority.

The Legal Officer noted the fact that NSA Afan Community Regeneration Ltd were leasing part of the Bettws Life Centre off the Council, and she also noted the complications due to this, in respect of the use of CCTV at the premises for their own purposes and functions etc. She asked when they had brought this to the attention of the Licensing Section.

Mr Williams replied that they raised this with the Licensing Section last week.

The Legal Officer advised that either permission would have to be given by the Council for NSA Afan Community Regeneration Ltd to use existing CCTV at the premises which was highly unlikely, or they would have to obtain permission to provide their own CCTV cameras under any Premises Licence, should they're application be granted. She asked if they would be prepared to install these under the Conditions of such a Premises Licence, to which Mr Williams advised that they would.

The Legal Officer then asked the applicant if they would also as a Condition of any future Premises Licence, provide a designated smoking area at the premises, as requested by South Wales Police.

Mr Williams advised that such a designated area would be provided either in or outside the premises. The Legal Officer confirmed that such an area would by law have to be provided outside of the premises.

Mr Williams confirmed that there was designated highway situate immediately to the front of the premises, however, there was an area possibly to the side or the rear of the premises that could be utilised for this purpose through agreement with Arwen and BCBC.

PC Rowlatt emphasised that any designated smoking area provided, also had to be secured and monitored, with ashtrays or receptacles for cigarette ends provided.

The Chairperson was mindful of the issues that had been debated at the meeting, and a Member of the Panel also advised that the plan of the premises that was contained in the report was not that explicit in terms of the layout of the premises, in relation to what it would be used for with regard to the holding of functions ie in the Concert Room.

As certain other aspects of the application had been resolved with statutory bodies by way of the provision of any Conditions being attached to a Premises Licence should this be granted at the premises, Members recommended that the meeting be adjourned, in order that all parties present could have a site inspection there, to look at the layout of the Life Centre and the issue of the provision of CCTV and a smoking area.

The meeting was therefore adjourned for this purpose at 10.20am.

All those present commenced the site visit in the Main Hall of the premises in question, which Mr Williams confirmed was primarily a function room that NSA Hafod Community Regeneration Ltd were able to lease from BCBC and Arwen Trust. He added that there was a café situate next door to this room, with the ability to open the partition between them which would then effectively make it one large room (as opposed to two).

A Member asked if there was CCTV present within the building, to which Mr Williams replied that there was 2 cameras in the foyer and 1 in the café area and a further camera in the Main Hall/Function room. He added that there was a small bar in the café that was only open when certain functions were being held in the next door function room primarily of an evening. There was CCTV behind the small bar also.

A Member asked what type of functions were normally held in the Main Hall/Function room.

Mr Williams advised that these were community based, and often dependent upon what local residents wanted. In the absence of a Premises Licence, he had previously obtained TEN's, but also classes used the Function room for the purpose of holding things there such as Zumba and lessons in karate amongst others, when there was no requirement for patrons to purchase and consume alcohol.

A Member asked if the bar in the café was open when classes such as the above were using the Function room.

Mr Williams advised that the bar was only open for private functions, for example birthday celebrations including a disco, and primarily for evening party functions rather than daytime class type functions.

He added that the café bar did provide for the provision of alcohol in daytime hours, but this was normally only through the provision of a small glass of wine with a meal should a customer request this as opposed to a soft drink. The bar was not open in the day for the purpose of serving other alcoholic drinks that it accommodated, ie lager and wines, as this was only opened for private functions such as birthday's and weddings arranged in the evening, rather than for keep-fit type classes etc.

Mr Williams when asked, confirmed that there was a fire escape also that served the Main Hall/Function room, and that any profits that the organisation made from functions were put back into the local community.

A Member asked if the bar in the café stocked spirits, to which Mr Williams replied that it only stocked lager (Fosters) and fortified wine of around 12% alcohol content.

When asked a further question regarding the opening times of the library that Arwen Trust operated on behalf of the Council in a separate room within the building near the foyer, Mr Williams confirmed that this was open two and a half days a week, but for longer hours during half term and Bank/school holiday periods.

A Member noted that there were only one set of toilets within the building, and he asked if these were shared between visitors to the library, café and main Function room, to which he replied that they were.

PC Rowlatt noted that small bottles of wine could be purchased over the counter in the café even when the small main bar was closed, as well as from the main bar when an organised function was taking place. She asked who monitored any patrons who may attempt to take their drink outside of the building, particularly during organised functions.

Mr Williams advised that staff present within the building would ensure that alcohol is not taken and consumed outside the premises, and that it was just consumed within the confines of the building.

A Member asked what action would be taken if a visitor who purchased alcohol at the premises attempted to take this into the library.

Mr Williams advised that staff would prevent this from happening and that appropriate signage would also be displayed at the premises during organised functions advising patrons what they could and could not do at the premises, particularly in respect of alcohol consumption.

A Member asked how far the nearest residential properties were situate from the premises.

He advised that there were a couple of properties situate quite near to the rear of the premises that were separated from the premises small sitting out area by a wall. At the front of the premises there were no residential dwellings, while either side they were approximately 100 metres away ie both left and right.

A Member asked if NSA Afan Community Regeneration Ltd could use the CCTV at the premises for functions arranged by them.

Mr Williams advised that the CCTV could only be used and obtained access to by Arwen Trust on behalf of BCBC.

All those involved in the site inspection then proceeded to visit the external area of the premises and any potential location that could accommodate a smoking area.

Mr Williams advised that it would be difficult to locate a smoking area to the one side of the premises, as that accommodated a car parking area which was owned by the Council and usually facilitated by Arwen Trust Ltd. At the other side of the premises there was public highway as there was to the front of the premises. To the rear of the premises there was located a sitting out area come patio complete with tables and benches, and a wall almost head height separated this area from a couple of residential properties. He added that no alcohol would be permitted to be consumed in any possible designated smoking area that would be finalised and agreed upon. Mr Williams further added that no smoking signs would also be erected in the proposed smoking area as long as BCBC agreed to this (as it was their land), and nearby residents would be consulted upon should the preferred location be the sitting out area to the rear of the premises.

This concluded the site visit and all those in attendance returned to the Civic Offices in Bridgend, where the Chairperson re-opened the meeting at 12:00pm.

Upon reconvening, the Sub-Committee then agreed that

RESOLVED: That the meeting stood adjourned, in order that the further information requested at the meeting and the site visit in respect of changes to the application, can be presented to all parties and Members in due course when the Sub-Committee once more reconvenes.

The meeting closed at 12:22pm

The meeting then re-opened at 9:30am on Friday 21 April 2017 at 10.09am, where it was noted that the attendees were the same as in the original meeting.

The Team Manager – Licensing advised all those in attendance, that some developments had taken place between the applicant and the South Wales Police in respect of the application since the meeting had last been adjourned, including exchanges of communications primarily in the form of letters and e:mails. She added that proposals as part of these exchanges included the applicant seeking to withdraw some of the licensing activities from the application, changes which questioned now whether there was a need for the applicant to secure a Premises Licence under the provisions of the Licensing Act 2003.

A principle change as to what NSA Afan Community Regeneration Ltd were proposing, was that they were now going to withdraw entirely from their application, the recommendation to sell alcohol at the premises.

The Team Manager – Licensing added that the applicant still intended to have regulated entertainment at the premises (ie the Main Hall) in the form of plays and certain classes etc, however, the revised application also included reduced hours for these activities, and this again did not necessitate the acquisition of a Premises Licence. Boxing,

wrestling and other more adult entertainment options had also been deleted from the revised application.

She proceeded further, by advising that the regular opening times of the Centre would now be Monday 9.00am to 10.30pm, Tuesday to Thursday 9.00am to 10.00pm, Friday and Saturday 9.00am to 11.00pm, and Sunday 9.00am to 8.00pm. Also, any organised live music at the premises would finish at 11.00pm (on days this was permitted through the premises opening hours), and windows to the Main Hall would be kept closed during all regulated entertainment.

The Team Manager asked the representatives from the Police if they had received the further notifications from the applicant, including the main amendments referred to immediately above, and PC Rowlatt advised that the Police had received the amended application, and were happy with this and therefore no longer had any objections to the applicant's proposals.

The objectors present at the meeting, also confirmed that they were now happy with the terms of the revised application as recently submitted by the applicant.

The Team Manager – Licensing confirmed that the only issue outstanding now was confirmation in writing to the Licensing Section, which confirmed the capacity of the Main Hall at the premises, as well as details regarding the beneficiary of the premises.

The applicant confirmed that he had an e:mail on his mobile phone that confirmed the information required as expressed immediately above, but that he would need to go outside the confines of the Civic Offices to send this to the Licensing Section.

The Chairperson therefore once more adjourned the meeting for this purpose at 10.34am.

The meeting then reconvened at 10.47am, and the Team Manager – Licensing confirmed that the Licensing Section had received the e:mail so requested, and that this included details of the capacity of the Main hall for ticketed events, ie 150 persons.

With regard to Social and Community principles, she added that the organisation who submitted the application, were a 'Not for Profit' organisation, the Chief Executive of which was Mr Isaac.

In terms of the proposed various 'uses' of the premises (which was classed as a community premises) as specified in the amended application, she confirmed that under the provisions of the 2003 Act, a Premises Licence was now not required for the purpose of what was intended to be provided at the premises during the proposed hours of opening.

The Team Manager – Licensing also added that there would be no sale of alcohol in the Main Hall of the premises during any events so held there, other than on New Year's Eve, where alcohol could be consumed in this part of the premises up until 12.30am, in conjunction with an organised New Year's Event.

Finally, the Team Manager – Licensing advised that other requirements had also been met as part of the amended application, which included the adequate monitoring of noise pollution and Health and Safety requirements being met at the premises. She added that should the applicant wish to hold organised events that exceeded the normal times of opening and required the sale of alcohol at the premises, then it was open for him to apply for a Temporary Event Notice at the premises under the terms of the Act.

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As all objections had now been withdrawn, and all the statutory requirements that needed to be met had been, the Chairperson advised that there now no longer the need for an application to be made for a Premises Licence by the applicant.

The Sub-Committee therefore,

RESOLVED: That it be noted that the application made by NSA Afan Community Regeneration Ltd for a Premises Licence in respect of Bettws Life Centre, had effectively been withdrawn.

The meeting closed at 12.20 pm