

# Pecyn Dogfennau Cyhoeddus

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

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



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett  
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

**Dyddiad: Dydd Llun, 2 Awst 2021**

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Is-bwyllgor Trwyddedu a Gamblo** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Gwener, 13eg Awst, 2021** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n bresennol ac/neu sy'n siarad yn ystod ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor yn [www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR

## A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I dderbyn ac ystyried yr adroddiad canlynol:-

3 Penderfynu ar Gais am Drwydded Eiddo – Rhymney Garage, Victoria Road, Rhymni NP22 5NU.

1 - 46

**Cylchrediad:**

Cynghorwyr W. Williams (Is Gadeirydd Llywyddu), D. Cushing a D.W.R. Preece

A Swyddogion Priodol

**SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk). ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu. Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## LICENSING AND GAMBLING SUB COMMITTEE – 13TH AUGUST 2021

**SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION**

**REPORT BY: LEE MORGAN LICENSING MANAGER**

### 1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Nakendram Piratheepan	Rhymney Garage Victoria Road, Rhymney NP22 5NU	New Premises licence

#### 1.1 Application for Grant of a New Premises Licence

An application has been submitted to apply for a new premises licence for the above premises under the Licensing Act 2003. The proposed application for consideration is set out in 1.3 of this report.

#### 1.2 Site Plan/Photographs

The plan of the licensed area is reproduced as **Appendix 1**.

A location plan is reproduced as **Appendix 2**.

#### 1.3 Proposed Trading Times and Licensable Activity

The initial application for the grant of a Premises Licence sought the sale of alcohol via off sales, 24 hours a day, Monday to Sunday.

Following the application process, the applicant subsequently amended his application to reflect the sale of alcohol via off sales, between the hours of 05.00hrs until 02.00hrs Monday to Sunday.

- 1.3.1** The following steps have been volunteered by the applicant as part of the Operating Schedule, to promote the Licensing Objectives, and are reproduced directly from the application:-

*The premises will be managed and controlled by a responsible person at all times.*

*Staff will be fully trained before start working and the training will be refreshed regularly.*

*The Designated Premises Supervisor will be on the premises or contactable during the operating hours.*

*Police will be reported for any incidents of a criminal nature.*

*A comprehensive Internal & External CCTV will be installed, and the recordings will be kept for minimum of 30 days. Also, these recordings will be available for any responsible authorities.*

*Adequate bins will be available for customers to dispose of their litter.*

*EPOS terminal with till prompt for alcohol & tobacco sale.*

*The Challenge 21 Policy will be strictly followed, and the relevant signs will be on display.*

*A register of refusal of sales will be kept and maintained on the premises.*

*Spirits will be located behind the counter Area.*

#### **1.4 RELEVANT CONSIDERATIONS**

Caerphilly County Borough Council Licensing Policy **Appendix 3**

National Guidance **Appendix 4**

#### **1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS**

##### **1.5.1 Responsible Authorities:**

##### **Trading Standards**

Document	Date Received	Appendix Reference
<b>Initial Representation</b>	<b>22/06/2021</b>	<b>Appendix 5</b>

##### **Police**

Document	Date Received	Appendix Reference
<b>Initial Representation</b>	<b>19/07/2021</b>	<b>Appendix 6</b>
<b>Supplementary comments</b>	<b>26/07/2021</b>	<b>Appendix 6a</b>

## Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
<b>Initial Representation</b>	<b>19/07/2021</b>	<b>Appendix 7</b>
<b>Supplementary comments</b>	<b>26/07/2021</b>	<b>Appendix 7a</b>

The following responsible authorities, Fire & Rescue Service and Children's Services have indicated that they have no representations in respect of the proposed new premises licence. There were no resident representations received in relation to the application.

### **1.6 SUMMARY OF REPRESENTATIONS**

Trading Standards have proposed conditions requiring that staff/members who serve alcohol are trained in the prevention of underage sales and that training be updated when necessary and documentation of said training be available for inspection by an authorised Licensing Officer or constable. The Trading Standards Officer advocates that a 'Challenge 25' policy is put in place and publicity materials promoting the same to be on display at the entrance and where practicable at each point of sale. A requirement is also advocated for Staff be vigilant regarding proxy sales.

Gwent Heddlu Police have raised an Objection to the initial application and revised hours proposed by the applicant in view of existing alcohol and anti-social behaviour issues within the Rhymney area. The Police have suggested hours of 07.30hrs – 23.00hrs to be appropriate for a premise of this type in the Rhymney area. The Police introduce evidence from the local Policing Inspector detailing recent calls in respect of anti-social behaviour in the vicinity of High Street and Victoria Road since 1<sup>st</sup> April 2021. The Police reference the detrimental impact of a 24hour alcohol outlet and the potential for increased antisocial behaviour and crime.

Should a licence be approved, then the Police advocated conditions in relation to CCTV, specifying the period for which footage should be retained as well as that training of staff in relation to providing footage from the same. The Police comment upon the refusals register condition advocating strengthening of the same. The Police also advocate a condition in relation to provision of adequate bins for waste.

The Licensing Authority have raised an objection to the application for 24hour off sales identifying the nature of the application, its location and problems associated in the area as detailed by the Police. Reference is made to the lack of safeguards to mitigate a 24hour alcohol outlet and lack of consideration of the council's statement of licensing policy. The Licensing Authority in its role as a responsible authority details a failure of the applicant to discuss his application prior to submission. The Licensing Authority comment that if the applicant had done so then he would have been aware of issues in the local area and to tailoring operating schedules to the local area.

### **1.7 APPLICANT RESPONSE**

The applicant has responded to Trading Standards comments and has agreed the conditions proposed in respect of Challenge 25 and proof of age. The applicant has indicated that they agree to the conditions proposed by Gwent Police, however, do not agree with the Police and Licensing Authority position in relation to proposed hours i.e 7.30hrs – 23.00hr, Monday to Sunday. The applicant revised their application, seeking the retail sale of alcohol between 05.00hrs to 02.00hrs, Monday to Sunday.

Both the Police and Licensing Authority have maintained their position in relation to their view on suitable retail sale of alcohol hours, namely 7.30hrs – 23.00hrs, Monday to Sunday.

## **1.8 LICENSING ASSESSMENT**

THE LICENSING ASSESSMENT IS A PROVISIONAL SUMMARY, BASED ON REPRESENTATIONS RECEIVED PRIOR TO THE HEARING. THE HEAD OF PUBLIC PROTECTION, COMMUNITY AND LEISURE SERVICES RESERVES THE RIGHT TO AMEND OR VARY THE PROVISIONS CONTAINED IN THE SUMMARY AND RECOMMENDATION, SUBJECT TO ANY CHANGE IN THE MATERIAL FACTS THAT BECOME KNOWN AT THE HEARING. THE SUB-COMMITTEE IS OBLIGED TO DETERMINE THIS APPLICATION WITH A VIEW TO PROMOTING THE LICENSING OBJECTIVES WHICH ARE:

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

In making its decision, the Sub Committee is obliged to have regard to:-

- Licensing Act 2003
- Statutory Guidance issued under S182 of the Licensing Act
- The Council's own licensing policy, and
- All representations made and evidence presented

NOTE: THE SUB-COMMITTEE MAY NOT MODIFY THE CONDITIONS OR REJECT THE WHOLE OR PART OF THE APPLICATION MERELY BECAUSE IT CONSIDERS IT DESIRABLE TO DO SO. ANY SUCH ACTIONS MUST BE NECESSARY IN ORDER TO PROMOTE THE LICENSING OBJECTIVES.

Statutory Power - Licensing Act 2003. This is a Council function which is delegated to this committee to decide.

## **1.9 OBSERVATIONS**

This application relates to the granting of a new premises licence for a convenience store and small petrol filling station located at Victoria Road, Rhymney. The initial application sought the ability to sell alcohol 24 hours a day, Monday to Sunday. The applicant subsequently revised their proposed hours to reflect 05.00hrs to 02.00hrs Monday to Sunday following formal objection to the hours proposed in the application by Gwent Police and the Licensing Authority in its role as a responsible authority.

Formal Representation during the 28day consultation process was also received from Trading Standards, who made no objection to the application but advocated a number of conditions linked to Staff Training in relation to the sale of alcohol and Challenge 25. It is noted that the applicant has agreed the conditions proposed by Trading Standards.

Gwent Police detail in their objections concern in relation to 24hour alcohol provision at the premises identifying that the area has been identified for help via the Safer Streets Fund initiative. Reference is made to anti-social behaviour in the area and that secondary crime

rates for the area are higher than the force rate generally. The Police describe existing high levels of ASB in the vicinity of Victoria Road, where the proposed premises would be located. Reference is made by the Policing Inspector to the area being made an existing Problem Orientated Policing Plan area and provided maps detailing the same.

The Police are acknowledged as the lead source of advice in relation to the prevention of crime and disorder licensing objective. Paragraph 9.12 of the Section 182 Home Office National Guidance states -

*Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

Paragraph 2.1 of the Section 182 Home Office National Guidance advocates that '*Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP)*'

It is noted that the Licensing Authority in its role as a Responsible Authority has identified the failure of the applicant to engage with Responsible Authorities to seek pre-application advice where any local issues could be addressed with the applicant.

Paragraph 5.4 of the council's statement of licensing policy offers advice in this respect and states '*The Licensing Authority notes that the Government's Section 182 Guidance states that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours". However, because of the problems experienced in some local communities in the county borough arising from the availability of alcohol for sale at local shops for consumption off the premises this Licensing Authority has decided that it will not adopt this general position but instead will expect applicants and licence-holders to trade alcohol at hours which are appropriate to their particular local environment. Therefore applicants should very carefully consider the hours they seek when devising their operating schedule and it is recommended to discuss such application with the appropriate Responsible Authorities.'*

The Licensing Authority expresses concern that the applicant has failed to tailor their application, proposed hours and queries the quality of the operating schedule given the prevailing issues within the local area. Paragraph 5.7 of the council's statement of licensing policy provides advice to Members and details '*Applicants and existing licensees should be mindful of local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.'* The Police have identified such an area within their representations and their concerns if a 24 hour alcohol outlet was permitted.

Paragraph 26.2 of the council's statement of licensing policy states *'In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.'*

Paragraph 8.42 of the Section 182 Home Office National Guidance echoes the above requirements by licensees and states - *'Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:*

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and*
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.'*

Paragraph 5.5 of the council's statement of licensing policy highlights the effect on applications where alcohol hours have not been properly considered and states *'In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.'*

Paragraph 7.4 of the council's statement of licensing policy states *'The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale.'*

Paragraph 10.15 of the Section 182 Home Office National Guidance provides advice to Members *'Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.'* In this instance, Gwent Police have articulated their concerns in respect of the hours proposed by the applicant given current issues being experienced in Rhymney.

Paragraph 10.4 of the council's statement of licensing policy advocates that applicants demonstrate knowledge of customers / locations, the failure to do so may lead to representations and states

*'The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application.*

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.*



- Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
- Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored. Are areas or surfaces designed to prevent the likelihood of drug use at the premises?
- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

Paragraph 1.17 of the Section 182 Home Office National Guidance states – *Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.*

Neither Gwent Police nor the Licensing Authority in role of responsible authority have changed their position following the applicant's decision to effectively cease alcohol sales for a period of 3 hours between 2am-5am. The Responsible Authorities have maintained their stance in respect of proposed hours advocating the retail sale of alcohol 7.30am to 11pm.

Members of the Sub Licensing Committee will be required to determine the application in relation to the promotion of the four licensing objectives i.e prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

## **1.10 RECOMMENDATION**

Having had regard to and considered the position of the Responsible Authorities it is recommended that the application for a Premises Licence to permit the retail sale of alcohol be granted between the hours of 07.30hrs to 23.00hrs, Monday to Sunday, subject to the conditions as set out at **Appendix 8**.

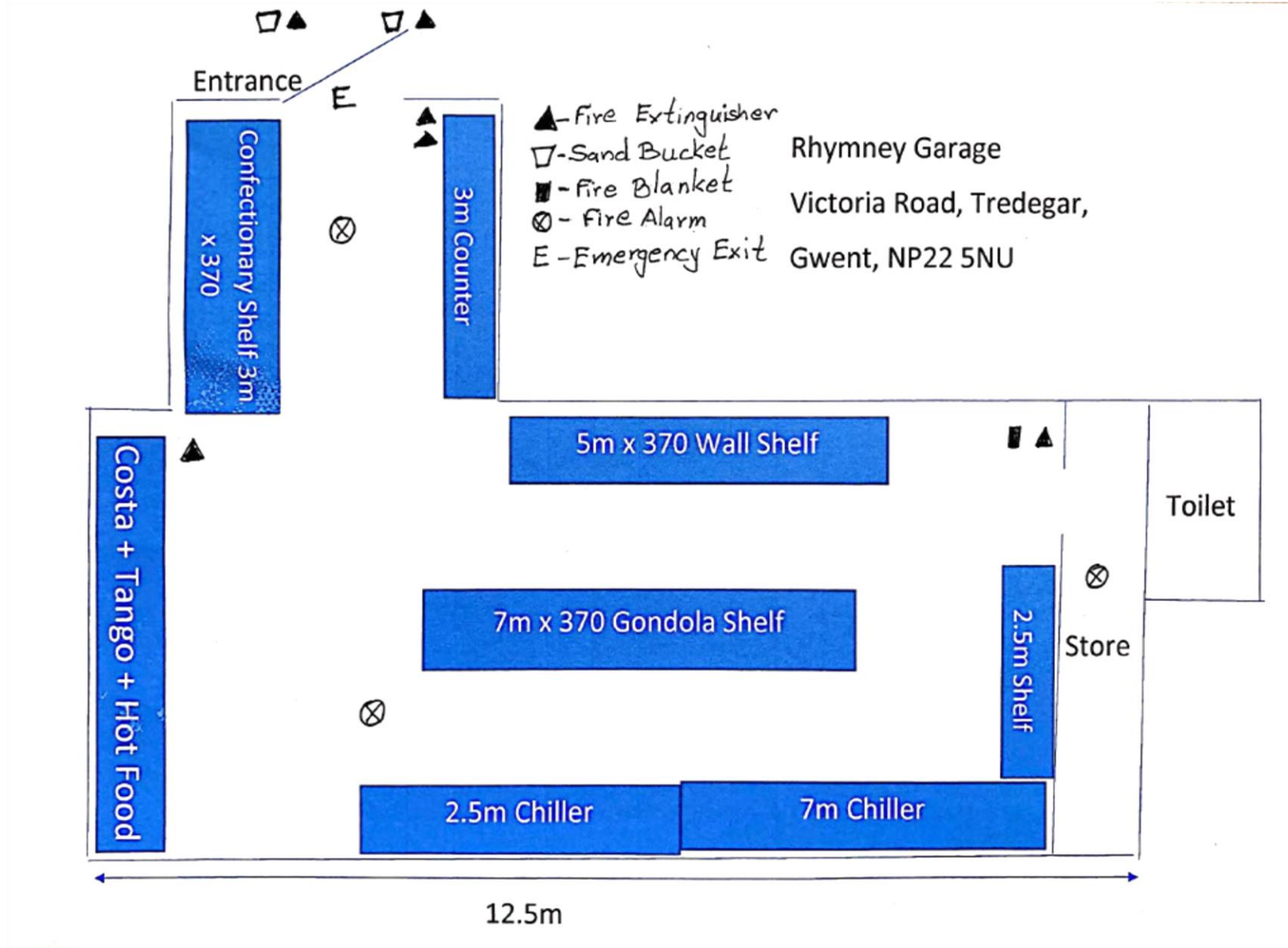
Background Papers:

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

Date of this report: 30<sup>th</sup> July 2021

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## Extract of Statement of Licensing Policy

5.3 When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy. To this end, the Licensing Authority is prepared to consider identifying zones in its area where hours of operation for licensable activities will be fixed. At the time of preparing this policy, no zones have been identified. However, the Licensing Authority will consider the introduction of such zones and limiting of hours for licensable activities upon receipt of representations from and following consultation undertaken with Responsible Authorities. This will be applied in the event of representations being made upon an application unless the Licensing Sub-Committee is persuaded that it would not be appropriate to apply them in the circumstances of the application.

5.4 The Licensing Authority notes that the Government's Section 182 Guidance states that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours". However, because of the problems experienced in some local communities in the county borough arising from the availability of alcohol for sale at local shops for consumption off the premises this Licensing Authority has decided that it will not adopt this general position but instead will expect applicants and licence-holders to trade alcohol at hours which are appropriate to their particular local environment. Therefore applicants should very carefully consider the hours they seek when devising their operating schedule and it is recommended to discuss such application with the appropriate Responsible Authorities.

5.5 In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.

5.6 Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.

5.7 Applicants and existing licensees should be mindful of local areas where there may be a concentration of problematic drinkers or where it is known that groups of people congregated and have caused anti-social behaviour. Applicants should very carefully consider the appropriateness of selling alcohol during early morning or late evening hours.

6.1 The commercial demand for additional premises licences (as distinct from cumulative impact) will not be a matter for the Licensing Authority. These matters would be a specific consideration for the local Planning Authority taking into account the demands of the licensed

trade and market demands.

7.4 The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale.

10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

10.3 Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

10.4 The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application.

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
- Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored. Are areas or surfaces designed to prevent the likelihood of drug use at the premises?
- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?



11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on these parties which may be disproportionate and unreasonable.

11.2 The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.

11.3 The Licensing Authority recognises that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being. The Licensing Authority recognises the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases. Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

11.5 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

11.6 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and

individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

13.9 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met. To support the age-verification process the Authority strongly recommended that premises have the following measures in place to ensure age verification for sales –21 • That ‘Challenge 25’ is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol. • That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers. • That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers. • That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers. • That a personal licence holder shall be on the premises at all times that alcohol is supplied. • That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

14.3 Amendments to the Act has inserted the term ‘other person’ to replace ‘interested party’ as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:- • Residents living near the premises • Persons with an interest in the premises or locality • Local councillors • Businesses with an interest in the premises or locality. • Organisations with an interest in the locality, premises or licensable activities.<sup>22</sup> The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; • The protection of children from harm.

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

16.2 Therefore, any person is able to make representations in relation to certain types of applications as an “Other Person” However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

25.7 Conditions on a licence: • Must be appropriate for the promotion of the licensing objectives; • Must be precise and enforceable; • Must be unambiguous and clear in what they intend to achieve; • Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation; • Must be tailored to the individual type, location and characteristics of the premises and events concerned; • Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case; • Should not replicate offences set out in the 2003 Act or other legislation; • Should be proportionate, justifiable and capable of being met; • Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and • Should be written in a prescriptive format.

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.

27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.

28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.5 Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.

28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.

28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

## Extract of National Guidance issued under Section 182 of the Licensing Act 2003

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP)

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of

how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what

might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct



physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

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

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding

licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.



## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY (Please delete as applicable) –

<b>Name of Applicant</b>	Nakendram PIRATHEEPAN
<b>Premises</b>	Rhymney Garage, Victoria Road, Rhymney, NP22 5NU

<b>Your Name</b>	Tim Keohane	<b>Date 22/06/2021</b>
<b>Job Title</b>	Senior Trading Standards Officer	
<b>e.mail Address</b>	keohatp@caerphilly.gov.uk	
<b>Contact Telephone Number</b>	01443 811319	

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

<b>Please outline the reasons for your Representations</b>
Although the application covers staff awareness and training, along with approved Proof of Age Schemes, it is suggested that the operating schedule of the licence can be improved by the addition of conditions SA01 and SA02. The application further does not mention the sale of alcohol to over 18s who subsequently supply to those under 18 years of age, and it is suggested that the operating schedule of the licence can be improved by the addition of the condition SA06.

<b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b>	<p>(SA01) All staff/members who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable</p> <p>(SA02)  (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as</p>
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	<p>‘Challenge 25’ whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>(b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.</p> <p>(SA06)All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.</p>
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p>Yes</p>

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

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

**RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS****RESPONSIBLE AUTHORITY – Gwent Police**

<b>Name of Applicant</b>	Nakendram PIRATHEEPAN
<b>Premises</b>	Rhymney Garage, Victoria Road, Rhymney, NP22 5NU

<b>Your Name</b>	Pc2066 Adrian Jones
<b>Job Title</b>	Police Constable
<b>email Address</b>	Adrian.g.jones@gwent.pnn.police.uk
<b>Contact Telephone Number</b>	07464651981
<b>Date</b>	19 <sup>th</sup> July 2021

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

<b>Please outline the reasons for your Representations</b>
<p>Nakendram Pirtaheepan is the applicant applying for a new license in relation to an off -license sales which will be for a 24hour period at Rhymney Garage, Victoria Rd, Rhymney Gwent. The premise is a petrol station which has a small forecourt and a small building which was used previously as a convenience store and café, the previous owner also had an off license granted with its permitted hours being 0730-1900hrs Monday-Friday and 0800-1400 Saturday-Sunday, the license having been surrendered a few months ago. The applicant is seeking to be granted an off sales license and this be operated from this building which will be refurbished into a convenience store.</p> <p>The premises was visited by Gwent police officers and the applicant was also present, the garage/building is situated in the main street of Rhymney and is close to residential properties to its side and opposite, as it is on the main street of the village there is also a library and car park also situated opposite. (Appendix 1).</p> <p>Gwent police would not support the application for the granting of the proposed licensed trading times of 24hrs and would advocate for the hours to be 0730-2300 daily.</p>

The reasons for this are:

The area has been identified for help via the Safer Streets Application and through its funding a multi-agency approach is sought based on the below:

Rhymney is a town located in the North of Caerphilly that has suffered several social economic factors and financial constraints over the last decade. The 2011 Census data state that some of the wards are the most deprived in the UK and Europe.

Such deprivation links to the fact that unemployment in the area sits at 6.6% which is higher than the Welsh average of 5.5%. This has led to increased Anti-social behaviour within the locality and has formed a breeding ground for organised criminality.

Secondary crime including violence with injury / public order and Anti-social behaviour are significantly higher than the force rate contributing to residents not feeling safe and heightened community tension.

The garage is located in the main street of the village and as such its location is unique to the village and is surrounded by residential properties, a library and a public car park directly opposite. Not only specific to Victoria Road but a few hundred yards away are several other off licensed premises and two on licensed premises. (Appendix 2)

These off licenses sales times end are predominately 2230/2300hrs each day. Rhymney area as a whole is highly deprived both financially and socially and suffers with a high level of anti- social behaviour, through checks carried out using Gwent Police systems over a six month period specifically relating to Victoria Road, High Street and Church Street there have been 215 calls with 56 of them (28%) relating to Anti-social behaviour and its impact on the local community, over a 3 month period total calls 139 of which 39 (28%) are again of Anti-social behaviour in their type.

The calls range in their timings from early to late evening, to the early hours of the morning and are of large congregations of youths causing alarm and distress, youths and vehicles congregating in car parks, the calls have become so evident to the Victoria Road, High Street and surrounding area that a **PROBLEM ORIENTATED POLICING PLAN (POP PLAN for short)** has been created to combat the high volume of calls made in the immediate area of the garage and its surrounding area. (Also included is a statement from the local Gwent Police Inspector Appendix 3 and Pop Plan area Appendix 4)

As the above shows the area is already suffering high levels of Anti-social behaviour and crime and Gwent police believe that should a 24 hour license be granted the ease of access to alcohol over a 24 hour period will have a further detrimental effect on the area, an increase in calls relating to Anti-social behaviour, the calls being made in the late evening to early hours of the day this will have negative impact on the promotion of the licensing objectives.

Gwent police support the representations made by Caerphilly Trading Standards.

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

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

**What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account**

The suggested conditions and variations to the license are as follows:

The applicant has proposed: **CCTV in Operation.**

Gwent Police would like it to read:

CCTV shall be in use at the premises and covers the outside area of the premises

Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by such date that the business is operating and the premises license is in place. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by the business trading date and its premises license is in place and the system be fully operational on that date;

The CCTV equipment shall be maintained in good working order

The premises licence holder shall ensure images from the CCTV are retained for a period of 30 days. This image retention period may be reviewed as appropriate by the Licensing Authority;

The correct time and date will be generated onto both the recording and the real time image screen;

If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;

The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at

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

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

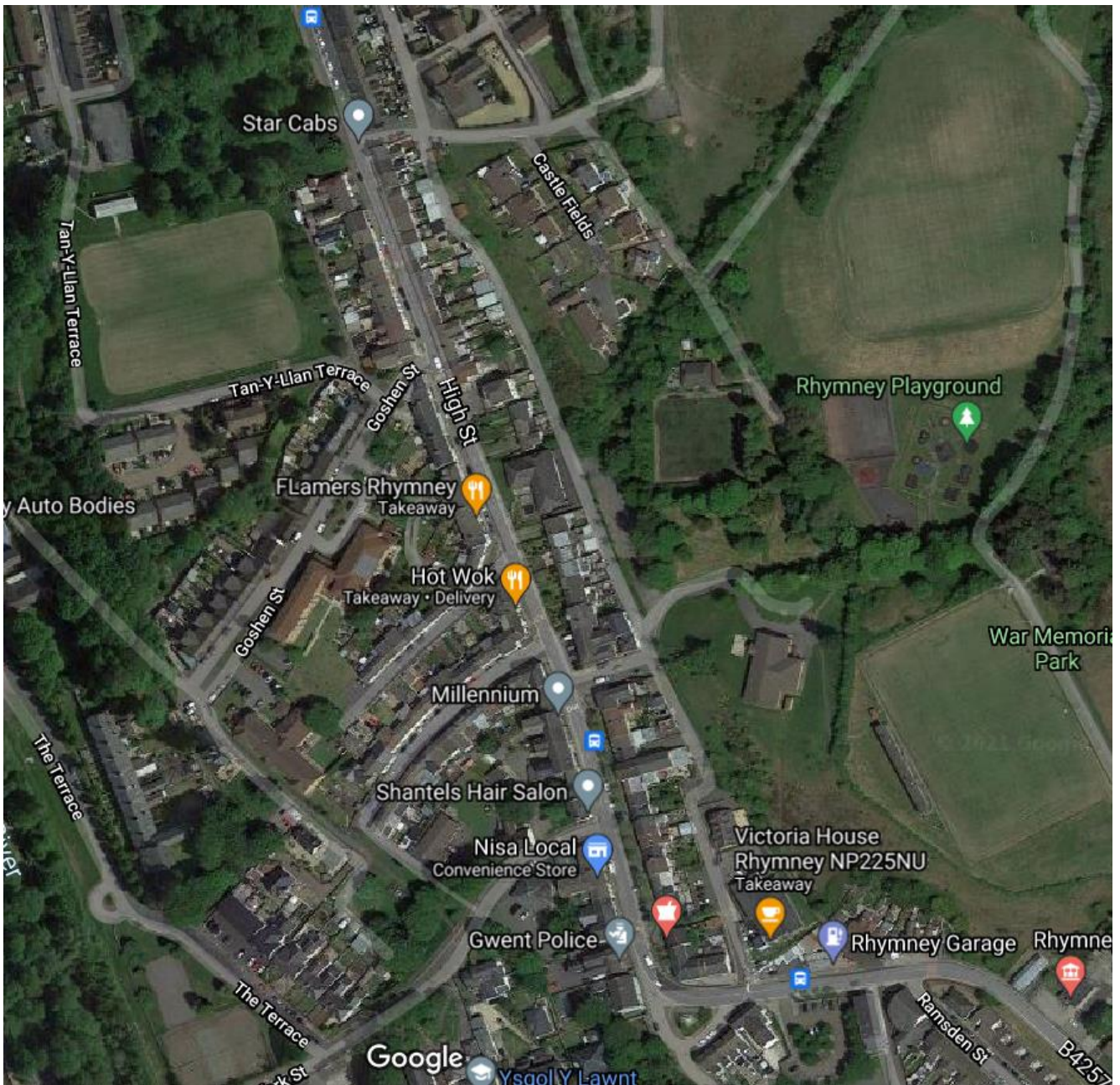
	<p>the request of any authorised officer of the Licensing Authority or a constable;</p> <p>There shall be clear signage indicating that CCTV equipment is in use and recording at the premises</p> <p>The applicant has proposed: <b>A register of refusal of sales will be kept and maintained on the premises.</b></p> <p>Gwent Police would like it to read:</p> <p>The premises license holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an Incident/refusals logbook in a bound book which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. The records shall be kept for a 12 month period.</p> <p>The applicant has proposed: <b>Adequate bins will be available for customers to dispose of their litter.</b></p> <p>Gwent Police would like it to read:</p> <p>The premises licence holder shall ensure that a sufficient number of suitable bins are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, etc. by customers</p>
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p>Yes</p>

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

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



## Gwent Police Appendix 1



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

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

## Gwent Police Appendix 2



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

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



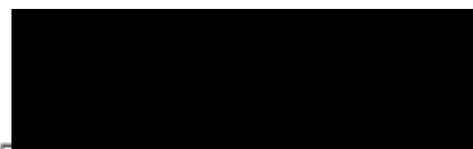
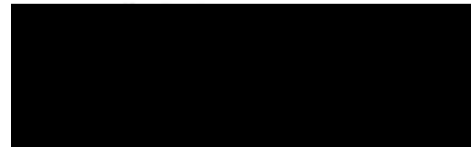
Continuation of Statement of: Lysha Thompson

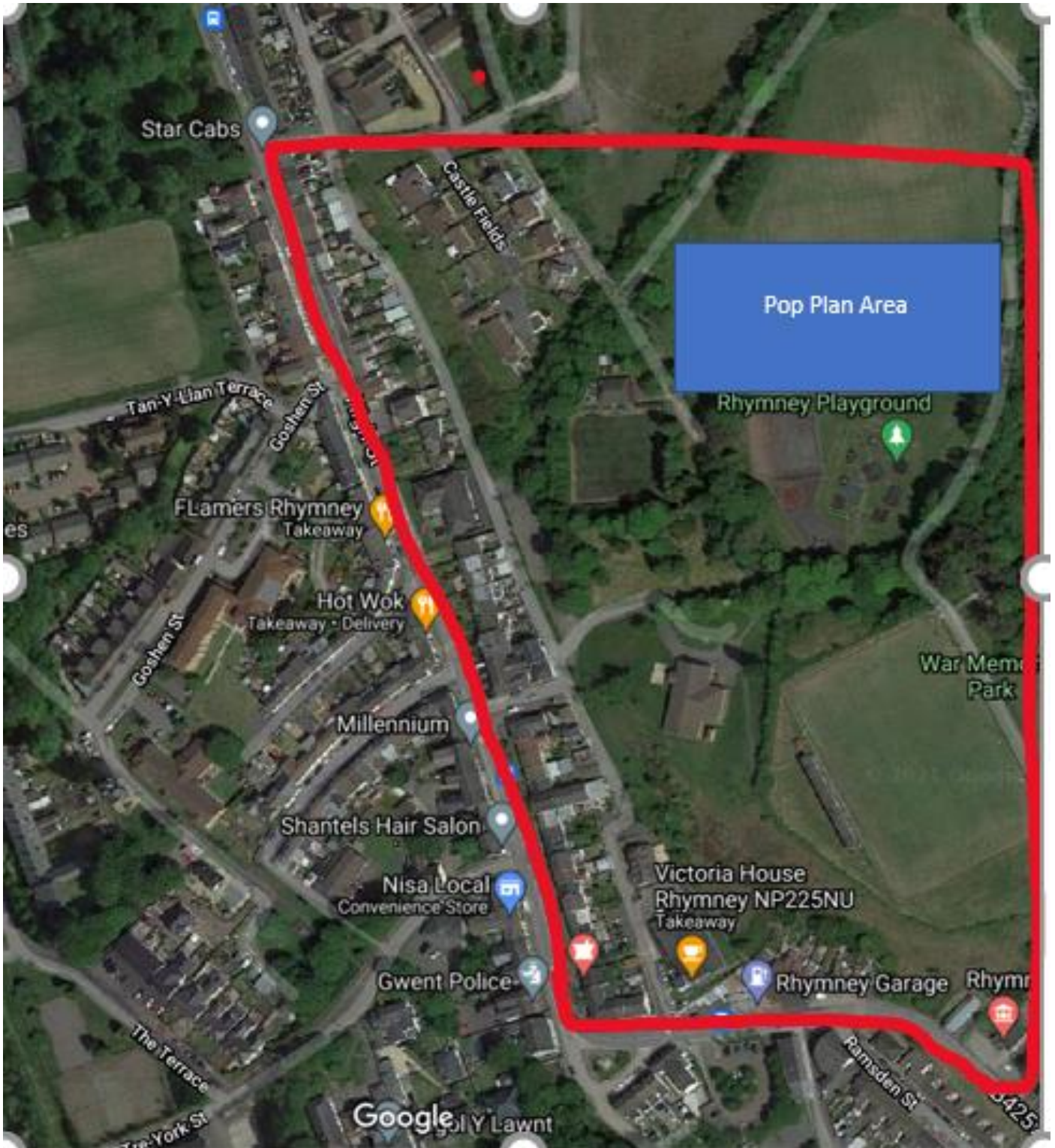
Rhymney has a number of social and economic challenges and the Wards within the section are currently in the top 10 in Wales for economic deprivation. A number of agencies are working incredibly hard to break this cycle and provide both education and enforcement to the residents to break the cycle of reoccurring Anti-Social Behaviour and Crime.

In relation to this specific location of The Rhymney Garage at Victoria Road, the vicinity of High Street and Victoria Road has received 39 calls of Anti-Social Behaviour since 01.04.2021 alone.

With a link between alcohol and disorder I have very strong concerns that the successful application for an alcohol license at Rhymney Garage will be counter productive to the collaborative and tenacious work that the Police and supporting agencies currently have ongoing in the Rhymney area.

Therefore, in an attempt to uphold the fundamental Licensing principles I do not support this application.





Gadewir y dudalen hon yn wag yn fwriadol

## Supplementary Police comments

APPENDIX 6A

**From:** Jones, Adrian <[Adrian.G.Jones@gwent.police.uk](mailto:Adrian.G.Jones@gwent.police.uk)>  
**Sent:** 26 July 2021 10:59  
**To:** Morgan, Lee <[MORGAL16@CAERPHILLY.GOV.UK](mailto:MORGAL16@CAERPHILLY.GOV.UK)>  
**Subject:** RE: Rhymney Garage Premises Licence Application

Good morning Lee,

Regarding the request of the applicant and the sale of alcohol until 2am, Gwent Police would not consider this and would seek for it to remain at 2300hrs, it is believed that the sale of alcohol until 2am would only exacerbate the calls in the local area as our representations have shown, this was discussed with the applicant when I met with him at the site some weeks ago and due to the local area and the highlighted ongoing issues Gwent police would not agree to his request of 2am then as it is believed that any later would undermine the promotion of the licensing objectives.

Cofion gorau | Kind regards

Adrian Jones

**From:** Morgan, Lee <[MORGAL16@CAERPHILLY.GOV.UK](mailto:MORGAL16@CAERPHILLY.GOV.UK)>  
**Sent:** 26 July 2021 10:30  
**To:** Jones, Adrian <[Adrian.G.Jones@gwent.police.uk](mailto:Adrian.G.Jones@gwent.police.uk)>; Dicks, Annette <[DICKSA@CAERPHILLY.GOV.UK](mailto:DICKSA@CAERPHILLY.GOV.UK)>  
**Subject:** FW: Rhymney Garage Premises Licence Application

Hi both

Please see attached from applicant's representative. Please could I seek your views and ask you to confirm by return.

Regards

Lee Morgan

**From:** Naga Rajesh  
**Sent:** 26 July 2021 10:24  
**To:** Morgan, Lee <[MORGAL16@CAERPHILLY.GOV.UK](mailto:MORGAL16@CAERPHILLY.GOV.UK)>  
**Subject:** Fwd: Rhymney Garage Premises Licence Application

Dear Mr Morgan,

Further to our conversation, I can also confirm that we are happy to amend the hours for sale of alcohol to 5am till 2am (following day) for 7 days a week.

Kind regards

Sent from my iPad

Begin forwarded message:

**From:** Naga Rajesh  
**Date:** 26 July 2021 at 10:05:17 BST

To: "Morgan, Lee" <[MORGAL16@caerphilly.gov.uk](mailto:MORGAL16@caerphilly.gov.uk)>  
Subject: Re: Rhymney Garage Premises Licence Application

Dear Mr Lee,

Further to my previous email, I would like to inform that we are happy to accept the conditions (below) listed by Police, in full. Hope this will satisfy their concerns.

<p><b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b></p>	<p>The suggested conditions and variations to the license are as follows:</p> <p>The applicant has proposed: <b>CCTV in Operation.</b></p> <p>Gwent Police would like it to read:</p> <p>CCTV shall be in use at the premises and covers the outside area of the premises</p> <p>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 such date that the business is operating and the premises license is in place. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by the business trading date and its premises license is in place and the system be fully operational on that date;</p> <p>The CCTV equipment shall be maintained in good working order</p> <p>The premises licence holder shall ensure images from the CCTV are retained for a period of 30 days. This image retention period may be reviewed as appropriate by the Licensing Authority;</p> <p>The correct time and date will be generated onto both the recording and the real time image screen;</p> <p>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;</p>
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The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises

The applicant has proposed: **A register of refusal of sales will be kept and maintained on the premises.**

Gwent Police would like it to read:

The premises license holder shall require the designated premises supervisor, or in his/her absence other responsible person, to keep an Incident/refusals logbook in a bound book which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. The records shall be kept for a 12 month period.

The applicant has proposed: **Adequate bins will be available for customers to dispose of their litter.**

Gwent Police would like it to read:

The premises licence holder shall ensure that a sufficient number of suitable bins are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, etc. by customers

Gadewir y dudalen hon yn wag yn fwriadol



## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY– Licensing

<b>Name and Address of Applicant</b>	Mr N Piratheepan
<b>Premises</b>	Rhymney Garage, Victoria Road, Rhymney

<b>Your Name</b>	Annette Dicks <b>Date:</b> 19th July 2021
<b>Job Title</b>	Assistant Licensing Manager
<b>e.mail Address</b>	dicksa@caerphilly.gov.uk
<b>Contact Telephone Number</b>	01443 866750

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

### Please outline the reasons for your Representations

The application seeks to provide the sale of alcohol for consumption off the premises as part of a petrol station and convenience store, over a 24 hour period Monday to Sunday. Given the nature of the application, its location and the problems associated with the area outlined by Heddlu Gwent Police in their representations, the Licensing Authority would object to the application and would support their representations. Whilst I have spoken to the applicant's agent who has confirmed that his client operates a similar establishment and has experience as a licence holder, the Licensing Authority is of the opinion that the applicant has not demonstrated this and in his operating schedule has not proposed sufficient safeguards to mitigate the impact of a 24hr alcohol outlet on the neighbourhood and wider community, in accordance with Section 7.4 of the Council's statement of licensing Policy. Indeed the operating schedule is poor for a venue of this nature and does not demonstrate a regard/suitable knowledge of the local area in accordance with paragraphs 5.4 and 26.2 of the Council's statement of licensing policy. It is noted that the applicant has not been in contact with Responsible Authorities to discuss his proposals prior to the application being submitted and from the operating schedule, the Licensing Authority would suggest that the applicant has not considered the Council's Licensing Policy. If the applicant had done so he would be aware of the issues within the local area and, from the licensing policy, the Council advocate a Challenge 25 Policy, and not 21 included in his operating schedule. Throughout the Council's statement of licensing policy reference is made to operating schedules satisfactorily addressing the licensing objectives, taking into account the day to day operation of the business, its location, type of premises, licensable activities to be provided and needs of

the local community. As the applicant had not consulted with Responsible Authorities prior to submitting his application, it is apparent that he has little understanding of the Council's statement of licensing policy and also the area in which he intends to operate, as required by paragraph 10.4 of the licensing policy. Given the above and the potential impact a 24hour outlet could have on the community, which is currently experiencing problems with anti-social behaviour, the Licensing Authority would advocate a lesser period for the supply of alcohol, and would seek conditions be attached, as proposed by Heddlu Gwent Police and Trading Standards.

<b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b>	
<b>Are you prepared to discuss these representations with the applicant by way of mediation?</b>	Yes

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

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

Good afternoon Lee,

Noted the content of the e mail from Mr Rajesh. I can confirm that my representations remain unchanged and would not support the suggested amended hours by the applicant.

Regards

**Annette Dicks**

Rhyeolwr Trwyddedu Cynorthwyol | Assistant Licensing Manager  
Cyngr Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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☎ 01443 811331

✉ [dicksa@caerphilly.gov.uk](mailto:dicksa@caerphilly.gov.uk) [dicksa@caerffili.gov.uk](mailto:dicksa@caerffili.gov.uk)

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**From:** Morgan, Lee  
**Sent:** 26 July 2021 10:30  
**To:** Jones, Adrian; Dicks, Annette  
**Subject:** FW: Rhymney Garage Premises Licence Application

Hi both

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Regards

Lee Morgan

**From:** Naga Rajesh  
**Sent:** 26 July 2021 10:24  
**To:** Morgan, Lee <[MORGAL16@CAERPHILLY.GOV.UK](mailto:MORGAL16@CAERPHILLY.GOV.UK)>  
**Subject:** Fwd: Rhymney Garage Premises Licence Application

Dear Mr Morgan,  
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Kind regards

Sent from my iPad

Gadewir y dudalen hon yn wag yn fwriadol

1. CCTV shall be in use at the premises and shall cover the whole of both the inside and outside areas of the premises. The video and images captured by the CCTV shall be of a sufficient quality to enable the facial recognition of all persons entering the premises. The CCTV shall be fully operational at all times during which alcohol is available for sale from the premises.

The CCTV equipment shall be maintained in good working order and the premises licence holder shall ensure images from the CCTV are retained for a period of 30 days. This image retention period may be reviewed as appropriate by the Licensing Authority. The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment (including any mobile units in use at the premises) breaks down, the Premises Licence Holder shall ensure the designated premises supervisor (DPS), 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 (referred to in condition 2 below) and shall include the date and time this was done and the name of the individual 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 onto a suitable portable medium (e.g. DVD, SD card, memory stick) which shall be provided to any authorised officer of the Licensing Authority or a constable without delay upon request.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises

2. The premises licence holder shall require the DPS, or in his/her absence another responsible person who shall be nominated by the DPS from time to time, to keep an Incident/refusals logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of persons involved, incident description, time and date, actions taken and final outcome of the situation. Such recording shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. The records shall be kept for a 12 month period.

3. The premises licence holder shall ensure that a sufficient number of suitable waste bins are located in appropriate locations on the premises for the depositing of waste materials such as food wrappings, drinks containers, etc. by customers and shall further ensure that such receptacles are emptied when full.

4. All sales of alcohol shall be processed through the EPOS terminal/s, which shall give a till prompt to staff reminding them to verify the age of the customer when alcohol is being purchased.

5. All spirit drinks shall be located behind the counter out of the reach of customers and shall not be displayed for sale in any other part of the premises. "Spirit drink" means any alcoholic drink with an alcohol content greater than 15% ABV.

6. All staff/members who serve alcohol shall be trained in the prevention of underage sales to a level commensurate with their duties, including but not limited to the requirements of the 'Challenge 25' scheme set out in condition 7 below. All such training shall be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers and customers who are intoxicated or under the influence of illicit substances. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

7. The 'Challenge 25' Scheme, whereby an accepted form of photographic identification shall be required to be produced by a customer appearing to be under the age of 25 before any alcohol is sold to that customer, shall be adopted and implemented.

Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.