



LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON
THURSDAY 19TH AUGUST 2021 AT 10.00 A.M.

PRESENT

Councillor J. Simmonds – Chair

Councillors:

Mrs J. Gale, J.E. Roberts

Together with:

L. Morgan (Licensing Manager), R. Furmage (Licensing Officer), M. Wallbank (Senior Solicitor), R. Barrett (Committee Services Officer), J. Lloyd (Committee Services Officer)

Representing the Applicant

Mr and Mrs D. Kamburugamuwe (Chef Ceylon), Mrs M. Wedikula (Chef Ceylon)

Representing Responsible Authorities

A. Baker (Trading Standards), A. Brown (Environmental Health), Inspector A. O'Keefe (Gwent Police), A. Dicks (Licensing Authority as a Responsible Authority)

Representing Other Persons

Mr L. Bevan and Mr C. Williams (Local Residents)

INTRODUCTION AND RECORDING ARRANGEMENTS

Due to technical difficulties, the meeting start was delayed to 10.14 a.m.

The Chair welcomed all those in attendance and introductions were made. The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)

1 APOLOGIES FOR ABSENCE

It was noted that apologies had been received from one local resident who had made representations but was unable to attend the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3 DETERMINATION OF PREMISES LICENCE APPLICATION - CHEF CEYLON, 10 BRIDGE STREET, BLACKWOOD, NP12 1AX

The Legal Advisor to the Sub Committee outlined the procedure for the meeting, including the order of representations and the opportunities for all parties to ask questions.

Mr Lee Morgan (Licensing Manager) presented his report and outlined the application for a new premises licence for Chef Ceylon, 10 Bridge Street, Blackwood. Members were advised that the application initially sought to permit the sale of alcohol (on sales only) from Monday to Sunday 11:00 to 24:00 Monday to Sunday and Late Night Refreshment (indoors only) Monday to Sunday, 23.00 to 24.00. The applicant subsequently revised their application following representations received during the 28day consultation process to reflect the following amended position:-

Supply of Alcohol (on sales only)

Monday to Wednesday 12.00 to 22.00

Thursday to Saturday 11.00 to 23.30

Sunday 12.00 to 20.30

Late Night Refreshment (LNR) – (Indoors only)

Monday to Sunday 23.00 to 24.00

It was noted that that Late Night Refreshment applies to the supply of hot food or drink between the hours of 23.00-05.00hrs.

Members were referred to the maps and photograph attached to the report detailing the location of the premises and were advised that a general description of the proposed premises has been provided as a restaurant serving drinks and takeaways for food and the serving of alcohol in the premises.

During the 28-day consultation period, representations were received from Trading Standards, Environmental Health Pollution, Gwent Police and the Licensing Authority in their role as Responsible Authority, who all had no objection to the application but advocated conditions in relation to the application. Further details were set out in Section 1.6 of the report. Three representations were also received from local residents in objection to the application, which were summarised in Section 1.6 of the report. The applicant subsequently responded to a number of the resident representations and to that of Gwent Police and other Responsible Authorities, with further details set out at Appendix 12 of the report.

Attention was drawn to the local policy considerations as set out in the report and to the way in which the Sub-Committee would deal with the application. The Sub Committee were referred to the recommendation set out in the Licensing Manager's report, which considered the position of the Responsible Authorities and recommended that the application for a Premises Licence be granted subject to the times and conditions as set out in Appendix 13 of the Licensing Manager's report.

All parties present were afforded the opportunity to ask questions of the Licensing Manager. In response to a Member's query, Mr Morgan confirmed that 6 resident representations and a Councillor representation had originally been received, but that of these, three residents and the Councillor subsequently withdrew their representations.

Representations were then invited from the applicant, Chef Ceylon.

Mrs D. Kamburugamuwe (applicant) addressed the Sub Committee and explained that she was seeking to establish a Sri Lankan restaurant in the area, for which the licence would be purely for the serving of alcoholic drink along with food, and that the main intention of the business was to serve good quality food. Mrs Kamburugamuwe explained that she was not

proposing to hold big parties or have music outside, and that the premises had amended its proposed operating times as a result of the objections raised and would install CCTV inside and outside the premises. She emphasised that her business would take swift action if there was any untoward behaviour on the premises, and that patrons would also be asked to respect local residents when vacating the premises at the end of the evening.

Mr Kamburugamuwe added that the premises would be reducing the bar size to increase restaurant capacity and serve more seated customers.

All parties present were afforded the opportunity to ask questions. Mr Wallbank (Legal Advisor to the Sub Committee) referred to Condition 4 as agreed by the applicant and sought clarification on the 30-minute clearance period at terminal hour. It was confirmed that the premises would close at 22.30 Monday to Wednesday, at midnight Thursday-Saturday and 21:00 on Sunday, and that the applicant had submitted these amended timings after taking into account the concerns of residents.

Mr Wallbank explained that given the amended hours applied for, this meant that the premises would be unable to utilise the Late Night Refreshment provision from 23:00 to midnight on Monday to Wednesday night and Sunday nights. The applicant confirmed that they understood this position.

Mr Morgan referred to the layout of the premises and the reduction of the bar area and asked if this had changed since the submission of the original application. Mrs Kamburugamuwe confirmed that this had been incorporated into the application before it was submitted to Licensing.

A Member asked if the premises would be concentrating on the supply of food as opposed to the serving of alcohol. Mrs Kamburugamuwe confirmed that the main aim was to serve Sri Lankan cuisine and operate as a restaurant rather than a drinking establishment.

Representations were then invited from Responsible Authorities.

Mr Alex Baker (Trading Standards Officer) referred to the representation submitted by his colleague (Mr Tim Keohane) and confirmed that conditions had been advocated to strengthen training around the prevention of under-age and proxy sales. He added that he was prepared to discuss these in more detail with the applicant if required.

All parties present were afforded the opportunity to ask questions and in response to a query from Mr Wallbank, Mr Baker confirmed that he was satisfied with the proposed conditions from Licensing as set out in Appendix 13 of the report which would mitigate the concerns of Trading Standards.

Representations were then invited from Environmental Health. Miss Abbie Brown (Environmental Health Officer) referred to her representation and confirmed that Environmental Health would be satisfied with the grant of the premises licence subject to acceptance of the conditions proposed by Environmental Health.

In response to a query from Mr Wallbank, Miss Brown confirmed that she was also satisfied with the proposed conditions from Licensing as set out in Appendix 13 of the report, which would mitigate the concerns of Trading Standards.

Representations were then invited from Gwent Police. Inspector Andrew O'Keefe referred Members to the representation submitted by his colleague PC Dan Allen as set out in the agenda pack. He explained that Gwent Police had put forward a number of recommendations including a 30-minute drinking-up time and the installation of CCTV at the premises. He felt that these measures would strengthen the Licensing Objectives and future-proof any future changes of use. He added that he had also reviewed calls made to Gwent Police in connection with the premises under the previous ownership and confirmed that two incidents

had been reported, one relating to the theft of a vehicle in 2020 and the other relating to a domestic incident in 2017.

All parties present were afforded the opportunity to ask questions. Mr Wallbank repeated his earlier question in relation to acceptance of the proposed conditions from Licensing by the applicant and Inspector O'Keefe confirmed that he was satisfied with these.

Representations were then invited from the Licensing Authority as a Responsible Authority. Mrs Annette Dicks (Assistant Licensing Manager) referred to her representation and advised Members that she had visited the premises together with Gwent Police and discussed the prevention of public nuisance Licensing Objective with the applicant. It was also acknowledged during the visit that some objections from residents had been received. Mrs Dicks confirmed that prior to the application being submitted, the applicant had been advised to consider the locality and the impact on local residents when making the application. The applicant had offered restrictions to the use of the outdoor area and monitoring of this area to ensure that action is taken in the case of any rowdy or disorderly behaviour.

Mrs Dicks acknowledged the subsequent modification of the application to reflect the advice of the Licensing Authority and concerns of local residents, and confirmed that the Licensing Authority would not object to the application but had advocated conditions in addition to those submitted by the other Responsible Authorities to uphold the Licensing Objectives. Mrs Dicks also confirmed that she was satisfied with the proposed conditions as set out in Appendix 13 of the Licensing Manager's report.

There were no questions for Licensing Authority as a Responsible Authority and representations were then invited from Local Residents (Other Persons).

Mr L. Bevan (local resident) thanked the applicant for amending their proposed operating hours. However, he explained that he still had major concerns over the rowdy behaviour that the premises could potentially attract, particularly given the locality of the premises to two local rugby clubs and the behaviour of these patrons. Mr Bevan had particular concerns around the behaviour of youth players, and also feared that during peak times such as rugby nights and rugby international events, the premises could end up accommodating rugby clientele which could lead to issues in the area.

There were no questions received and Mr C. Williams (Local Resident) was then invited to make his representation.

Mr Williams explained that he had numerous concerns regarding the application, particularly in view of the many issues attributed to patrons of the previous establishment on Bridge Street during the past 6 years, including anti-social behaviour and damage to residents' cars. Mr Williams feared that granting the application would lead to a continuation of these issues, and explained that Bridge Street is a very narrow road with any noise late at night reverberating all the way up the street.

Mr Williams made reference to the proposed closure of the premises at 21:00 on particular days and the cessation of use of the outside premises at 21:00 and asked what would happen if someone turned up for food at 20:45. He also explained that Bridge Street is heavily used by vehicles passing through the street, and in raising concerns around parking in and around the premises, sought clarification on the number of parking spaces at the premises and whether this would be impacted by use of the outside area.

The applicant was invited to respond to the local residents' questions and concerns. Mrs Kamburugamuwe explained that the previous establishment was formerly used as the rugby club's gathering point post-match. However, she explained that Chef Ceylon were not looking to attract that type of clientele, and reiterated that the premises would be a food establishment and that customers would not be admitted after the kitchen closed if they just wanted a drink. The applicant was very sorry to hear of the damage to residents' cars but was unable to

comment as this was outside her control. She explained that the premises would implement their own controls by reminding customers to leave quietly, and that the premises would do their very best to monitor any problems, which would include the installation of CCTV to observe people arriving and leaving. Mrs Kamburugamuwe confirmed that the premises had around 8-10 parking spaces plus a disabled parking space. She also emphasised that the premises had taken the concerns of residents into account, which was reflected in the subsequent adaptation of the hours applied for.

Mr Williams asked about the number of clientele and expressed concerns around whether there would be sufficient parking spaces to accommodate these customers. Mrs Kamburugamuwe confirmed that there was a 30-35 person capacity in the formal dining area and a further 15-person capacity in the front area. Mr Williams stated that there would not be enough parking space given these numbers and feared the premises would be exceptionally busy given the nature of its cuisine and its uniqueness to the area, which could lead to parking issues in the neighbouring area. Mr Wallbank advised all parties that the questions were straying into Planning issues, which are a separate consideration to Licensing matters.

Mr Williams indicated that he had finished his representation and left the meeting at this point.

All parties were afforded the opportunity to ask questions of the applicant. Mr Morgan asked how the applicant would deal with customers sat outside at 20:45 and whether there would be a system in place to move them indoors at 21:00. He also referred to the earlier point raised by Mr Wallbank and confirmed that parking would not normally be a consideration under the Licensing Objectives and that the Sub Committee would not have to necessarily consider this as part of the application. Mrs Kamburugamuwe confirmed that customers would be invited inside before the 21:00 deadline at 20:45 to have food, and that notices would also be put up at the premises to advertise these timings.

Mr Morgan also referred Members to the representation in the meeting papers from a third resident who was unable to attend the meeting, and asked that the Sub Committee take this representation into consideration during their deliberations.

In response to a Member's query around installation of the CCTV system, Mrs Kamburugamuwe confirmed that this was currently in the process of being installed.

All parties were then afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision.

Mr Lee Morgan (Licensing Manager) asked Members to consider all the representations before them, the evidence heard at the meeting, and all Licensing guidance when making their decision.

Trading Standards, Environmental Health, Gwent Police and Licensing Authority as a Responsible Authorities confirmed they had no closing remarks to add to their representations.

Mr Bevan (Local Resident) asked about the measures in place at the premises to turn away any potentially drunk or disorderly customers who were just looking for a place to drink. Mrs Kamburugamuwe confirmed that the premises would have a reservation system in place so that people would have to book in advance, and that the premises would be advertised as an eating establishment and not a place to have a drink. She also stated that the premises would turn people away if necessary if they arrive looking for a drink after last orders elsewhere. A Member also asked about customer walk-ins or whether it would be reservation-only, and Mrs Kamburugamuwe confirmed that walk-in customers would be accommodated, but this would be walk-ins to eat and not purely for the purpose of drinking.

In summing up, Mrs Kamburugamuwe and her colleagues reiterated that the establishment were trying to bring a new dining experience into the local area, which would mainly provide

Sri Lankan food and be the only establishment of its type in the area.

The Legal Advisor informed all parties present that the Sub Committee would retire to consider the representations made at the meeting and they would be informed in writing of the decision in the next 5 days.

The Sub Committee retired at 11.11 a.m. to make its decision and all other parties left the meeting.

Following consideration of the application for a new premises licence at Chef Ceylon, Bridge Street, Blackwood, and having regard to the Licensing Manager's report and all the representations made, the Licensing and Gambling Sub Committee unanimously

RESOLVED that the application for a new premises licence be GRANTED, subject to the conditions set out in in Appendix 13 of the Licensing Manager's Report and with the hours of regulated activities as follows:-

- (i) Sale of Alcohol (on sales only)
Monday to Wednesday 12:00 to 22:00
Thursday to Saturday 11:00 to 23:30 Sunday 12:00 to 20:30
- (ii) Late Night Refreshment (indoors only)
Thursday, Friday and Saturday
23:00 – 00:00

For ease of reference, the conditions are attached to these minutes.

In making their decision, the Sub Committee considered all four Licensing Objectives, the Licensing Act 2003, revised Home Office Guidance and Caerphilly Council's Licensing Policy.

The Sub Committee considered the Application and the comments of the representatives of the Applicant. The Sub Committee noted the nature of the business which the Applicant proposes to carry on at the Premises and considered that the Premises will operate as a restaurant with the primary activity being the service of food, with the service of alcohol being ancillary to this. It was also noted that the Applicant does not envisage the Premises being a place where members of the public will come solely for the purpose of drinking alcohol and the Applicant committed to taking steps to prevent this from happening. The Sub Committee also noted the measures put forward by the Applicant to secure adherence to the Licensing Objectives.

It was clear to the Sub Committee that those Responsible Authorities who responded to the consultation and attended the hearing do not object to the grant of a Premises Licence in the terms set out above, subject to the various conditions put forward by those Authorities to ensure the Licensing Objectives are met. The Sub Committee considered that the Licensing Officer's recommended conditions are adequate for that purpose. The Sub Committee agreed that Late Night Refreshment should only be permitted on Thursdays, Fridays and Saturdays, in order to ensure consistency with Condition 4 of the conditions to be applied, that condition being the requirement for customers to leave the premises within 30 minutes of the terminal hour for alcohol sales.

The Sub Committee read the comments of the objectors to the Application and listened carefully to the objection comments made at the hearing. Whilst the Sub Committee accepted that this premises has the potential to cause some minor disturbance, it should be borne in mind that the Premises is in a town centre location, where one would expect such businesses to be found. The Sub Committee considered that comparisons with previous businesses operated at the premises and in particular a public house should be treated with caution. The restaurant proposed at the Premises is a wholly different type of business to that which operated there previously and therefore little if any comparison can be drawn. The concerns

regarding parking and vehicle movement were noted and the Sub Committee understands such concerns, however, these are planning matters which are outside of the remit of a Licensing Committee. The Sub Committee considered that the conditions applied to the licence, along with the right to request a licence review set out in the Licensing Act 2003, will be sufficient to protect the interests of those living in the vicinity of the Premises.

Consequently, having regard to the representations of all parties concerned as well as the provisions of the Licensing Act 2003, the statutory guidance issued in accordance with s.182 thereof and the Council's Licensing Policy, the Sub Committee considered it appropriate to grant the Premises Licence in the terms set out above.

The decision notice advised that any person aggrieved by the decision had the right to appeal to the local Magistrates Court within 21 days from the date of written notification of the decision.

The meeting closed at 11.45 a.m.

Conditions applicable to the grant of the licence as per Appendix 13 of the Licensing Manager's report :-

- **Supply of Alcohol (on sales only)**
Monday to Wednesday 12.00 to 22.00
Thursday to Saturday 11.00 to 23.30
Sunday 12.00 to 20.30
- **Late Night Refreshment – (Indoors only)**
Monday to Sunday 23.00 to 24.00

1.CCTV shall be installed at the premises and shall cover all areas of the premises to which the public have access except for the toilets. The CCTV equipment shall be maintained in good working order and shall continuously record at all times during which licensable activities are carried on at the premises. The video and images captured shall be of a sufficient quality to enable the facial recognition of persons recorded and the correct time and date shall be generated onto both the recording and real-time image screen. All video and images captured by the CCTV system shall be stored for a period of at least 28 days and shall be provided on a recognised portable medium (e.g. DVD, memory stick or SD card) to an authorised officer of the licensing authority or a constable without delay upon request.

If the CCTV equipment breaks down, the Licensing Authority and the Police shall be informed verbally of such breakdown as soon as is reasonably practicable. A record of the name of the individuals to whom such report is made together with the date and time of the report shall be recorded in the incident report register referred to in condition 6 below. CCTV equipment failures shall be repaired or the equipment replaced (as appropriate) as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

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

2.Clear notices shall be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.

3.The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in the premises, especially for outdoor events/use.

4.The premises shall be cleared of customers within 30 minutes of the terminal hour for alcohol sales on any day.

5.There shall be no licensable activities carried on in the outdoor areas of the premises after 21:00 on any day.

6.An incident report logbook for the premises shall be maintained, in which shall be recorded all incidents of anti-social behaviour, aggression, fighting and like behaviour as well as ejections and refused sales. The details of persons involved, incident description, time and date, actions taken and final outcome of the situation shall be recorded. Records shall be kept for a minimum of 12 months. The logbook shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request.

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

8. No waste shall be placed in external receptacles between the hours of 22:00 and 08:00.

9. The premises supervisor, manager or other competent person shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures ~~are~~ shall be put in place to monitor the external areas on a regular basis.

10. Staff shall make regular patrols in the immediate vicinity to ensure noise nuisance does not occur at the nearest residential property.

11. All staff shall be trained in the prevention of underage sales and dealing with difficult customers to a level commensurate with their duties. All such training shall be updated as necessary, for instance when legislation changes. A written record shall be kept of the date and nature of such training as well as the name of the trainer and the staff member receiving it and such record shall be 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.

12. The 'Challenge 25' scheme shall be adopted and implemented, 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 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 at all bars in the premises.

13. The premises licence holder shall put and keep in place suitable measures in order to prevent the premises from becoming a source of noise or light nuisance to the occupants surrounding properties.