

# Public Document Pack

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

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



[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

For all enquiries relating to this agenda please contact Joanne Thomas  
(Tel: 07714600912 Email: [thomaj8@caerphilly.gov.uk](mailto:thomaj8@caerphilly.gov.uk))

**Date: 10th August 2022**

To Whom It May Concern,

A multi-locational meeting of the **Licensing and Gambling Sub Committee** will be held in Penallta House, and via Microsoft Teams on **Thursday, 18th August, 2022 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the [Council's website](#).

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

**Christina Harrhy**  
CHIEF EXECUTIVE

## AGENDA

	Pages
1 To receive apologies for absence.	

A greener place Man gwyrddach



2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with Local Government Act 2000, the Council's Constitution and Code of Conduct for both Councillors and Officers.

3 Determination of Premises Licence Application - 44 Attlee Court, Lansbury Park, Caerphilly CF83 1QU.

1 - 82

**Circulation:**

Councillors M.A. Adams, D. Cushing and T. Heron

And Appropriate Officers

**HOW WE WILL USE YOUR INFORMATION**

Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk). except for discussions involving confidential or exempt items.

You have a number of rights in relation to your information, including the rights of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed. For further information on how we process your information and your rights please view the [Full Committee Meetings Privacy Notice](#) on our website or contact Legal Services by email [griffd2@caerphilly.gov.uk](mailto:griffd2@caerphilly.gov.uk) or telephone 01443 863028.



## LICENSING AND GAMBLING SUB COMMITTEE – 18TH AUGUST 2022

**SUBJECT: LICENSING ACT 2003 -DETERMINATION OF PREMISES  
LICENCE APPLICATION**

**REPORT BY: LEE MORGAN LICENSING MANAGER**

### 1. Application Details –

<b>Applicant</b>	<b>Premises</b>	<b>Application Type</b>
Thakshya Yalendran	44 Attlee Court, Lansbury Park, Caerphilly CF83 1QU	Grant of Premises licence

#### 1.1 **Application for Grant of a New Premises Licence - Licensing Act 2003**

An application has been submitted to apply for a new premises licence for the above premises. 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**.

An aerial plan of the location is reproduced as **Appendix 2**.

#### 1.3 **Proposed Trading Times and Licensable Activity**

The initial application for the grant of a Premises Licence sought to permit the following Licensable Activities: -

- ***Supply of Alcohol (Off Sales only)***

*Monday - Sunday 07.00 – 22.00hrs*

Following consultation with Heddlu Gwent Police, the Applicant subsequently determined to modify his application to reflect the following –

- **Supply of Alcohol (Off Sales only)**

Monday – Sunday 10.00 – 22.00hrs

**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: -

*Updating CCTV system to cover the front outside area and retain records for 30 days*  
*Shutters on windows and doors outside the premises*  
*Enforce challenge 25*  
*Appropriate notices and records e.g. CCTV in operation and challenge 25 notice, refusals to serve and incidents log*  
*Initial and refresher training for all staff on requirements on the appropriate sections of the licensing act*  
*Spirits to be kept behind the counter*

**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:**

The Fire Authority, Children’s Services and Environmental Health Pollution Team in their role as Responsible Authorities have responded to indicate no representations in respect of this application.

**Police**

Document	Date Received	Appendix Reference
<b>Initial representation</b>	<b>30/06/2022</b>	<b>Appendix 5</b>

**Trading Standards**

Document	Date Received	Appendix Reference
<b>Initial representation</b>	<b>18/07/2022</b>	<b>Appendix 6</b>

**Environmental Health (Health & Safety)**

Document	Date Received	Appendix Reference
<b>Initial representation</b>	<b>21/07/2022</b>	<b>Appendix 6a</b>

### 1.5.2 Other Persons: Elected Members

Document	Date Received	Appendix Reference
<b>Elected Member A Initial representation</b>	<b>18/07/2022</b>	<b>Appendix 7</b>

Document	Date Received	Appendix Reference
<b>Elected Member B Initial representation</b>	<b>21/07/2022</b>	<b>Appendix 8</b>

#### Residents/Other Persons:

Document	Date Received	Appendix Reference
<b>Joanna Yates</b>	<b>18/07/2022</b>	<b>Appendix 9</b>
<b>Hazel Fitzell</b>	<b>05/07/2022</b>	<b>Appendix 9 A</b>
<b>Linda Phillips</b>	<b>18/07/2022</b>	<b>Appendix 9 B</b>
<b>Stephen Jones</b>	<b>18/07/2022</b>	<b>Appendix 9 C</b>
<b>Lisa Jones</b>	<b>18/07/2022</b>	<b>Appendix 9 D</b>
<b>Vikki Giles</b>	<b>18/07/2022</b>	<b>Appendix 9 E</b>
<b>Leanne Dyke</b>	<b>18/07/2022</b>	<b>Appendix 9 F</b>
<b>Kate George</b>	<b>18/07/2022</b>	<b>Appendix 9 G</b>
<b>Lisa Fletcher</b>	<b>19/07/2022</b>	<b>Appendix 9 H</b>
<b>Kelly Jones</b>	<b>18/07/2022</b>	<b>Appendix 9 I</b>
<b>Amanda Gill</b>	<b>21/07/2022</b>	<b>Appendix 9 J</b>
<b>Gemma Carter</b>	<b>19/07/2022</b>	<b>Appendix 9 K</b>

### 1.6 SUMMARY OF REPRESENTATIONS

There have been responses from the Fire Authority, Children's Services and Environmental Health Pollution team in their role as Responsible Authority to indicate no representations in respect of the proposed new premises application.

Heddlu Gwent Police in their representations detailed that the area was an area of high demand for Police Resources due to Anti-Social Behaviour and crime and referenced a discussion with the applicant which resulted in a reduction in the proposed retail sale of alcohol hours. The applicant subsequently has adjusted the proposed hours for the sale of alcohol from 07.00hrs to 22.00hrs to 10.00hrs to 22.00hrs.

The Police have not objected to the application but have advocated a number of conditions relating to CCTV, Challenge 25, documented staff training and incident recording and a requirement operate regular patrols in the vicinity of the premises to collect and tidy any litter or refuse which has accumulated from the premises.

The Trading Standards Officer has supported the comments and conditions proposed by Gwent Police.

Representations in the form of Objections have been received from the 2 Elected Members for the Ward and 12 residents.

The Elected Members detail that the premises is located in an area of high anti-social behaviour, has residents with complex needs and concern that the premises is situated close to 2 children's play areas. Concern is expressed about the negative affect on the community, that is already experiencing difficulties.

A number of residents referenced concerns about the potential increase in anti-social behaviour from that already being witnessed. There are fears about increase in litter and broken glass which were already impacting on the estate and concerns that the nearby newly built park will attract drinkers to hang about and prevent children using the same.

Residents feared that drunkenness will become more common place and that previous good work undertaken in the community over the past 25 years would be undermined, should the application for a licence be approved.

A number of residents referenced a time when the estate had its own pub and an off licence and fears of a return to issues that these had brought to the estate. Residents also expressed concern that such a premises would make it easier for underage persons to obtain alcohol.

The representations generally encouraged the Licensing Authority to refuse the application to permit the sale of alcohol in view of the potential detriment to the estate and persons living in the vicinity of the premises.

## **1.7 APPLICANT RESPONSE**

Document	Date Received	Appendix Reference
<b>Response to Objections</b>	<b>18/07/2022</b>	<b>Appendix 10</b>

The applicant has responded and accepted the proposed conditions advocated by the Police. The applicant has also amended the application to reflect a change in the retail sale of alcohol hours from 07.00 to 22.00hrs to 10.00 to 22.00hrs.

The applicant's agent has referenced that the applicant and her husband are very experienced licensees who have had a number of similar businesses over the past years.

Reference is made by the Agent to conditions relating to the patrol and collection of litter, the provision of CCTV would assist in identifying troublemakers

The applicant believes that with their knowledge in the trade, the conditions on the licence (if approved), the cooperation and support of the local community, the shop would play a vital part in the future development of the area.

## **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 in respect of 44 Attlee Court, Lansbury Park, Caerphilly, CF83 1QU. On submission of the application, the applicant described the general description of the premises as a small general store in residential area selling a range of goods. The initial application proposed for the retail sale of alcohol between the hours of 07.00hrs to 22.00hrs.

Following discussion with the Police, the applicant agreed to modify the application to reflect retail sale of alcohol hours from 10.00hrs to 22.00hrs Monday to Sunday.

Representations making objections to the granting of the premises licence have been received from Elected Ward Members and 12 residents. Often the concerns of objectors can be addressed through mediation during the consultation period or up until the time of any scheduled hearing. However, in this instance, it is not thought that the concerns of the Elected Members and residents' concerns can be mediated.

Gwent Police as the lead authority in relation to crime and disorder have not objected to the application but have advocated conditions should a licence be approved. The conditions proposed by the Police in relation to provision of CCTV, Staff Training, Incident and refusals book have been accepted by the applicant. The position taken by the Police has been supported by the Trading Standards Officer, the lead authority for the protection of children from harm and also the Environmental Health Officer (Health & Safety). There were no representation responses received from Childrens Services, Environmental Health (Pollution Team) and the Fire Service.

Gwent Police have in their comments referenced a demand placed on their service in relation to anti-social behaviour in the area but have not advocated refusal of the premises licence application but have sought conditions, should a licence be approved. Following discussion with the applicant, the applicant reduced the proposed sale of alcohol times sought by 3 hours. Having considered the history of the applicant and the application submitted, the Police therefore appear to be satisfied provided that the conditions put forward by them and the Applicant are applied to the licence.

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.*

In the absence of any other adverse representations from Responsible Authorities (RA's), the RAs appear to be satisfied with the applicant's ability to promote the licensing objectives.

Representations objecting to the grant of the premises licence have been received from 2 Elected Ward Members and 12 residents who express concerns about anti-social behaviour being experienced currently and the potential increase in anti-social behaviour that may arise as a result of the granting of this application for a premises licence.

Paragraph 28.1 of the Council's Licensing Policy states – *'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.'*

The Licensing Authority is satisfied that the representations have been submitted by persons, who given the addresses provided may be directly affected by the licensable activity proposed.

However in relation to the personal actions, conduct or behaviour of individuals, Paragraph 24.4 of the Council's Licensing Policy States – *'The Council recognises that licensing law is*



*not a mechanism for the general control of antisocial behaviour by people once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. However the Council must consider the potential detrimental impact on the surrounding areas from the operation of either individual or accumulations of premises, where the premises are the predominant cause of resultant anti-social behaviour arising from drunkenness etc.'*

Paragraph 14.5 of the Council's Licensing Policy States:

*The Licensing Authority recognises that beyond the immediate vicinity of the 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.*

This is echoed by Paragraph 2.21 of the Section 182 Home Office National Guidance which states that *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.*

Both Elected members and residents' reference existing anti-social behaviour, these issues appear to be prevalent in the community currently. If they are alcohol fuelled, then these or any historical issues will not be as a result of the actions of the applicant as they are yet to commence trading. There is no information to suggest that a new alcohol outlet if appropriately managed will add to the issues that are being reported.

No confidence in management concerns have been raised by Responsible Authorities in their representations in relation to the applicant.

The concerns of the local residents whilst understandable, appear to be largely anticipatory in nature about the increased levels of behaviour or issues which could arise, should a licence be granted for this premises. Case law in *Daniel Thwaites PLC v Wirral Magistrates Court 2008* has considered similar issues in relation to real evidence and weight to be afforded.

There has been reference to existing licensed premises in the area, however the Council does not currently have any cumulative impact areas and therefore the number or type of other licensed premises in the vicinity would not ordinarily be a consideration for Members of the Sub Committee. The same principle would apply in relation to the 'need' or otherwise for a new, licensed premises.

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 and objections from Elected Members and residents, it is recommended that the application to permit the sale of alcohol for off sales, between the hours of 10.00hrs to 22.00hrs,

Monday to Sunday **be granted** subject to the following conditions as set out in **Appendix 11**.

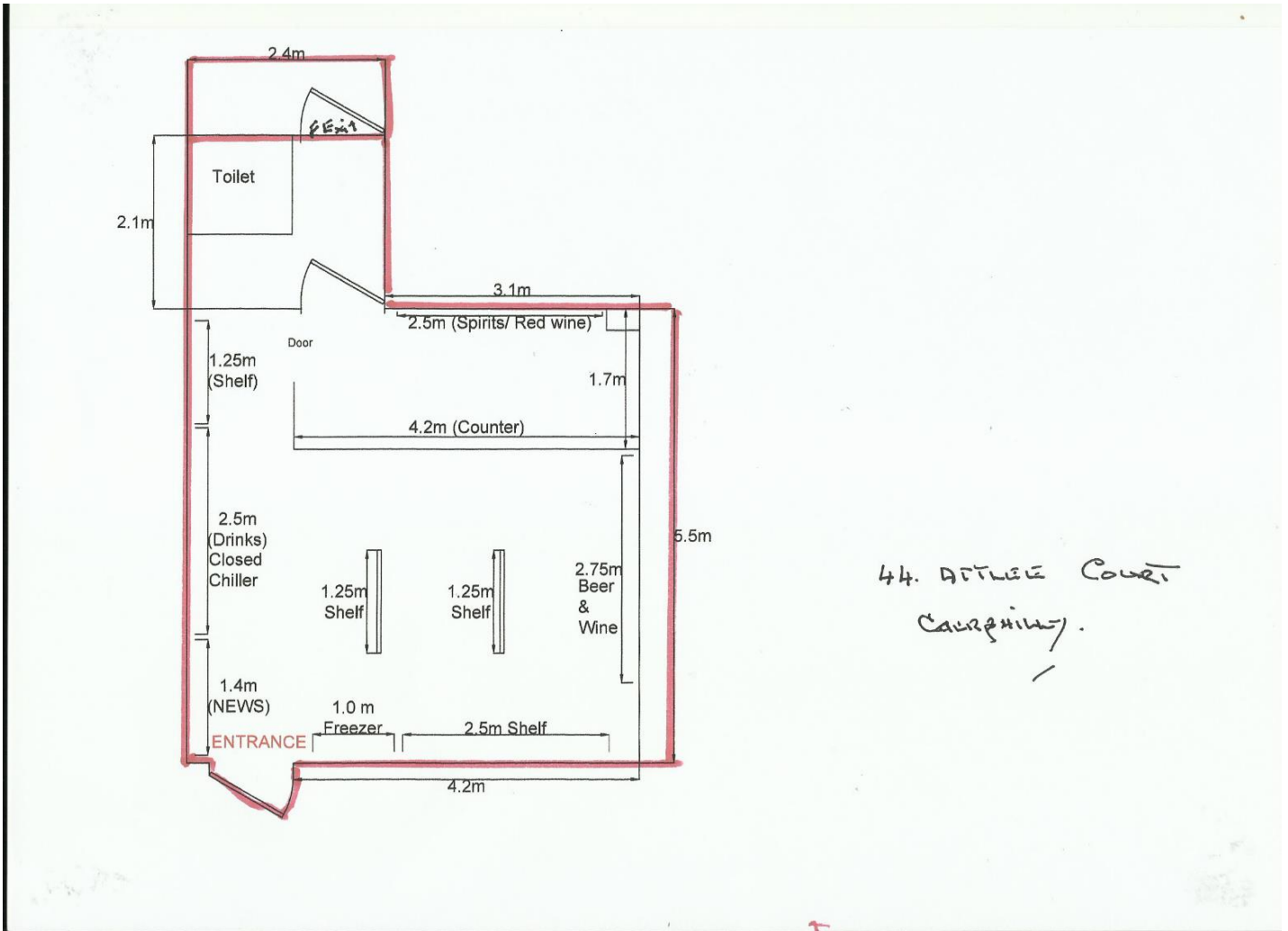
In reaching this conclusion, it is noted that there are no objections to the application from Responsible Authorities. It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in **Appendix 11**.

Background Papers: [Statutory Guidance issued under S182 of the Licensing Act](#)

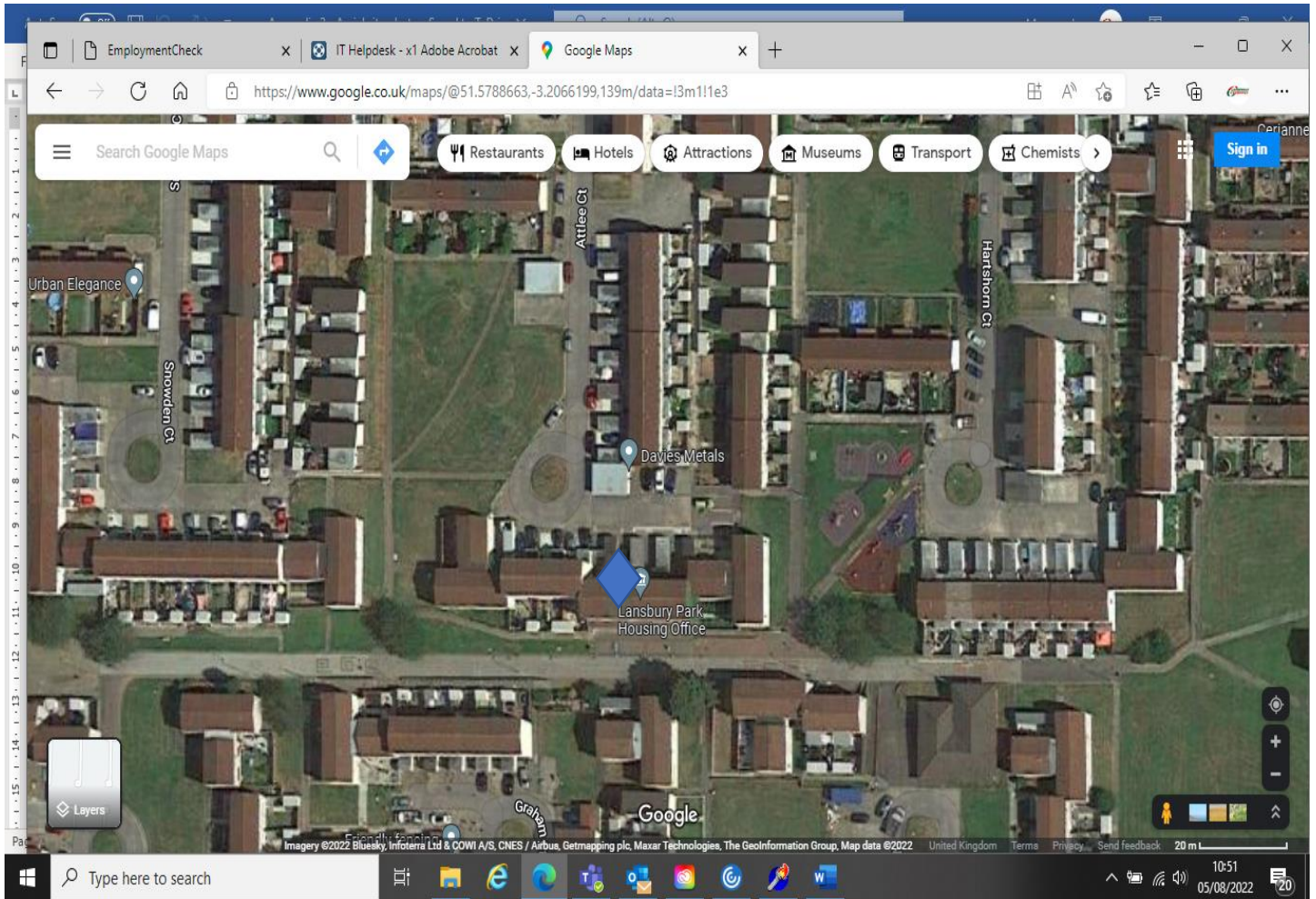
[Caerphilly CBC Statement of Licensing Policy](#)

Date of this report: 8<sup>th</sup> August 2022

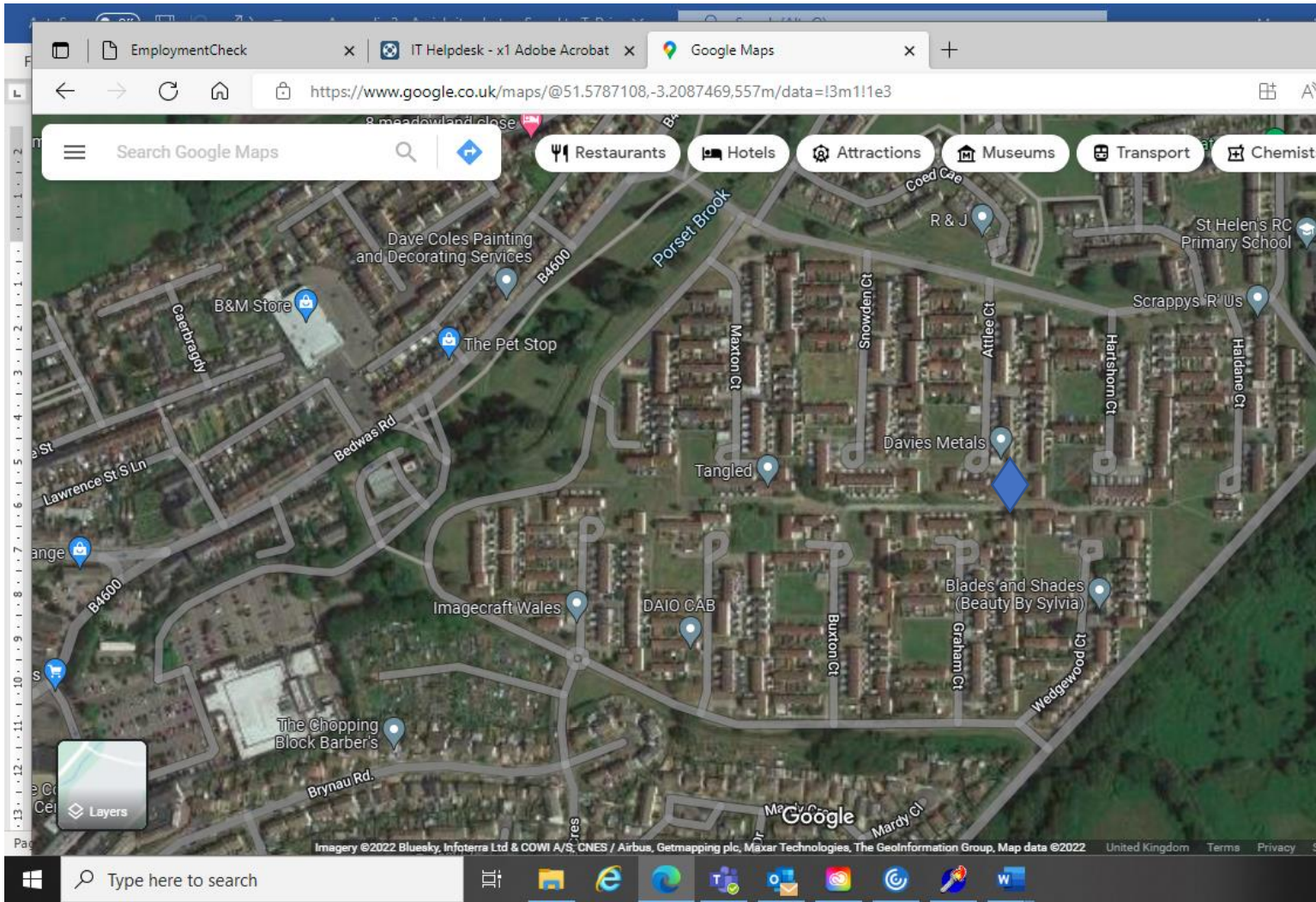
Author: Lee Morgan – Licensing Manager - Tel: 01443 866750  
Morgal16@caerphilly.gov.uk



This page is intentionally left blank



Blue Diamond = Premises location



## 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.

7.6 Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community. For examples of licensing conditions that can promote health and wellbeing reference can be made to Caerphilly County Borough Council's 'Model Pool of Conditions'.

7.7 In addition, the Licensing Authority expects applicants to consider the impact their premise may have on people vulnerable to alcohol misuse, in particular children and young people and problematic drinkers. Commissioned alcohol treatment services are set within the communities they serve. The availability of alcohol in near proximity to treatment services can create specific issues for treatment providers. The Licensing Authority expects applicants to consider and mitigate the harm by including licensing conditions when their premise is close to the location of treatment services, and areas where children and young people may congregate, such as schools, youth clubs and parks.

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.

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;
- 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.

11.8 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring.

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.

22.1 Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to representations from the police and other responsible authorities, a limitation on licensing hours may be appropriate.

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.

2.15 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.

9.37 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.

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 APPLICATION

### RESPONSIBLE AUTHORITY – Gwent Police

<b>Name of Applicant</b>	Thakshya Yalendran
<b>Premises</b>	44 Attlee Road, Lansbury Park, Caerphilly, CF83 1QU
<b>Your Name</b>	PC7 Daniel Allen
<b>Job Title</b>	Police Constable
<b>email Address</b>	LicensingWest @gwent.police.uk
<b>Contact Telephone Number</b>	07464653993
<b>Date</b>	30/06/2022

<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>	X
<b>The Prevention of Public Nuisance</b>	X
<b>The Protection of Children from Harm</b>	X

#### **Please outline the reasons for your Representations**

Gwent Police received an application from Thakshya Yalendran in relation to a premise licence at 44 Attlee Road, Caerphilly. The property is a small convenience store and the applicant would like to offer alcohol to customers between 07:00 – 22:00 hours, 7 days a week.

The applicant has offered up conditions consisting of the below:

1. Updating CCTV system to cover the front outside area and retain records for 30 days
2. Shutters on windows and doors outside the premises
3. Enforce challenge 25
4. Appropriate notices and records e.g. CCTV in operation and challenge 25 notice, refusals to serve and incidents log
5. Initial and refresher training for all staff on requirements on the appropriate sections of the licensing act
6. Spirits to be kept behind the counter

Gwent Police licensing team visited the site on Tuesday 28<sup>th</sup> June and also spoke to the applicant via telephone. The premise is surrounded by residential properties in the heart of Lansbury Park which is a large local authority housing estate near Caerphilly town centre. The applicant understands that the premise is in an area that causes police high demand due to Anti-Social Behaviour and crime. The applicant explained that they are an experienced Designated Premise Supervisor with over 15 years' experience and stated that they only put the supply of alcohol times from 7am due to it mirroring their opening times. The applicant stated in a telephone conversation on 28<sup>th</sup> June 2022 that they would supply alcohol from 10:00 hours until 22:00 hours and not 07:00 hours to 22:00 hours which would assist in promoting all four of the licensing objectives. Gwent Police support that amendment.

Gwent Police do not object to the application or the amended supply of alcohol times but have included the below representations that will assist the applicant in promoting the licensing objectives.

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

Supply of alcohol:  
 Monday 10:00-22:00  
 Tuesday 10:00-22:00  
 Wednesday 10:00-22:00  
 Thursday 10:00-22:00  
 Friday 10:00-22:00  
 Saturday 10:00-22:00  
 Sunday 10:00-22:00

The applicant has stated:

**Updating CCTV system to cover the front outside area and retain records for 30 days.**

Gwent Police would like it re-worded to read:

1. CCTV is installed and working to the satisfaction of the Police and Licensing Authority. Recordings will be maintained for a minimum of 30 days. Recordings shall be immediately available on request of any authorised officer named under the Licensing Act 2003.

If the CCTV equipment fails, the Police and Licensing Authority will be informed as soon as possible, and immediate steps will be taken to put the equipment back into good working order.

The DPS shall train an appropriate number of staff in the use of the CCTV system to facilitate the efficient operation of it with a view to providing evidence when

**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

requested by an authorised officer named under the Licensing Act 2003.

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

CCTV to cover all of the licensed area of the premises, it will be of evidential quality.

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

The applicant has stated:

**Enforce challenge 25.**

Gwent Police would like this reworded to read:

2. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as '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.

The applicant has stated:

**Initial and refresher training for all staff on requirements on the appropriate sections of the licensing act**

Gwent Police would like this reworded to read:

3. All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Training should be clearly documented, signed and dated by both the trainer and member of

**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

staff receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable and should be kept for a period of 12 months.

In addition, Gwent Police would like to add the following:

4. All refusals will be kept in a refusals book detailing the time, date, the goods, the staff member and the name of the persons who tried to purchase. If no name is given, then a good description will be recorded. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable and retained for a 12 month period.
5. An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation. The logbook will be retained for a 12 month period.
6. Rowdy and/or disorderly customers will be asked to leave the premises.
7. Throughout the hours that the licence operates the designated premise Supervisor or other responsible person employed at the premise will operate regular patrols in the vicinity of the premises to collect and tidy any litter or refuse which has accumulated from the premise.
8. Should customers be outside the premises causing congestion on the pavement, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity of the store.
9. There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises.

**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

<b>Are you prepared to discuss these representations with the applicant by way of mediation?</b>	Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations.
--	--

**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

This page is intentionally left blank





## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY – TRADING STANDARDS

<b>Name of Applicant</b>	Thakshya Yalendran
<b>Premises</b>	44 Attlee Court, Lansbury Park, Caerphilly, CF83 1QU

<b>Your Name</b>	Tim Keohane	<b>Date 18/07/2022</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>
My representations are to support those of my fellow Responsible Authority, Gwent Police. In relation to the Protection of Children from Harm, I believe that the suggested conditions by Gwent Police would be effective in promoting all four Licensing Objectives, including the Protection of Children from Harm.

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

This page is intentionally left blank



## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY – Env. Health – HEALTH & SAFETY

<b>Name of Applicant</b>	Thakshya Yalendran
<b>Premises</b>	44 Atlee Court, Caerphilly CF83 1QU

<b>Your Name</b>	Dean Pugh	<b>Date 21/07/2022</b>
<b>Job Title</b>	Commercial Safety Officer	
<b>e.mail Address</b>	pughd1@caerphilly.gov.uk	
<b>Contact Telephone Number</b>	01443 811339	

<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>
My representations are to support those of my fellow Responsible Authority, Gwent Police in relation to public safety. I believe that the suggested conditions by Gwent Police would be effective in promoting all four Licensing Objectives, including Public Safety.

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

This page is intentionally left blank

**From:** Cllr. Forehead, Elaine <  
**Sent:** 15 July 2022 10:09  
**To:** Morgan, Alan <morgaa16@CAERPHILLY.GOV.UK>  
**Subject:** Attlee court

Good morning Alan

I would like to voice an objection regarding alcohol license at the newsagents, Attlee Court, Lansbury Park.

This is an area of high anti social behaviour, residents with complex needs and is situated close to 2 play areas. The play areas currently have issues with people drinking alcohol in them. I have spoken with several residents who have voiced concerns.

Please could you include Cllr Christine Forehead in this objection.

Thanks  
Elaine

This page is intentionally left blank

**From:** Cllr. Forehead, Elaine <  
**Sent:** 21 July 2022 17:09  
**To:** Morgan, Alan <morgaa16@CAERPHILLY.GOV.UK>  
**Subject:** RE: Attlee court

Hi Alan

I have spoken to Chris and she is not able to access her laptop at present. She has asked I provide the following statement on her behalf.

'I have been the elected councillor for 33 years representing the Van. I this time I have dealt with many alcohol related complaints, which impact greatly on this community. A previous license was held by one shopkeeper and this proved to increase anti-social behaviour and violent incidents within the locality. We have a community where many individuals have complex needs, alcohol addiction being one. The applicant address is in very close proximity to a childrens play area, where there are already concerns of people consuming alcohol within. I feel this license will negatively effect the community that is already experiencing difficulties'

Cheers  
Elaine

This page is intentionally left blank



**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>  
**Sent:** 18 July 2022 12:58  
**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Joanna yates	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
18/07/2022 12:56:20	
<b>Message -</b>	
Hi I would like to oppose the proposed licensing to sell alcohol In the paper shop in Lansbury park.	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

From: Joanna Yates <  
Sent: 18 July 2022 20:59  
To: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
Subject: 44 Atlee court

Hi,  
I'm writing to you to object the proposed license at 44 atlee court.  
My reasons being are

- I think it would bring more antisocial behaviour onto the estate, we have enough as is without it.
- it will be a lot easier for under age drinkers to buy alcohol and cause trouble.
- we have a lot of broken glass in the area and I think this would cause more.
- a lot of children play and walk past/ use the shop who would then be subjected to unnecessary behaviour.
- a pub and off license already caused enough trouble when they were in business, we're trying to make the estate a better and safer environment for our children and the selling of alcohol would be taking steps backwards.
- the children's new build park would become used as a drinking hang out and end up damaged just like the old little park in Alexander court was, which is now just a wasted empty space.

Kind regards  
Joanna Yates  
Resident of Lansbury park

Sent from my iPhone

This page is intentionally left blank

Mrs Hazel Fitzell  
\*\* Graham Court  
Lansbury Park  
Caerphilly  
CF83 1RF

5<sup>th</sup> July 2022

To whom it may concern

Here is my objection for a off Licence on Lansbury Park. I have lived on Lansbury for over 30 years and I have seen a lot of changes for the better, to start with we used to have a pub on Lansbury called the Barbican. The police were always called to break up fights and bust the place for drugs, for years we had to put p with drunks, fights, and constant police activity it was the best thing that happened when they knocked it down. For a while everything was lovely. We had peace and quiet and you felt safe walking out on the stretch as we call it but our peace did not last long as the local shop on the park owned by Trevor started selling cheap drink so it all started again empty cans of beer, broken glass bottles everywhere. The drinkers would use our lovely garden across from the shop as a toilet, the smell became unbearable, the children going to school would often have to see drunks asleep in the little garden and avoid all the cans, broken glass and human waste On there way to school. The stretch was not a very nice place to walk down and again there was always a police presence, Trevor's shop was closed due to him losing his licence for selling underage drinkers. For years since the pub and shop have closed Lansbury has become a nice place. The council and the police have worked hard to ensure this. This is why when I heard that the new owner of the shop Lansbury News has applied for a licence to sell alcohol I thought OMG not again the shop is about 200 yards from a children's park which the council has spent a lot of money on to make it a safe environment for children to play if this licence is granted we are going to be back to square one glass and empty beer cans up and down the stretch. The children's park used as a dumping ground for there waste and parents not feeling safe to let there children play in the park. And again the shop selling to under age drinkers because this will happen. For years now Lansbury has enjoyed the peace and quiet. The police presence has become less. We have now got out little communal garden back were parents and children can meet safe in the knowledge that there is no more broken glass and beer cans, the stretch is a much nicer place to walk through to get to our supermarket you at not met with broken glass, beer cans and drunken bodies. It's nice to smell the flowers and not the urine. Ok you get the odd chip packet but that better than broken glass and empty beer cans .

We have done without a off licence on Lansbury, we don't need one now there is a Morrisons supermarket if you want to buy alcohol. So please don't undo what the council, the police and residents have done to make Lansbury Park a much safer environment to live

Mrs H G Fitzell, L.C. Phillips \* Graham Court.

This page is intentionally left blank

**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>

**Sent:** 18 July 2022 07:38

**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Linda Phillips	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
16/07/2022 11:48:28	
<b>Message -</b>	
As requested, I linda Phillips am in agreement with the letter written by MRS. HAZEL FITZELL about the alcohol licence application for 44, ATLEE COURT.	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

This page is intentionally left blank

**From:** [DONOTREPLY@caerphilly.gov.uk](mailto:DONOTREPLY@caerphilly.gov.uk) <[DONOTREPLY@caerphilly.gov.uk](mailto:DONOTREPLY@caerphilly.gov.uk)>  
**Sent:** 18 July 2022 07:40  
**To:** WWW: Tenant Involvement <[TENANTINVOLVEMENT@CAERPHILLY.GOV.UK](mailto:TENANTINVOLVEMENT@CAERPHILLY.GOV.UK)>  
**Subject:** Website Contact --- Tenant and community involvement

<b>Name -</b>	
Stephen Jones	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
16/07/2022 12:55:23	
<b>Message -</b>	
Hi, im just emailing you as ive been advised by elaine forehead and its regarding the alcohol licence making a return to the estate to the attlee court papershop, i personally think its a very bad idea ive lived on lansbury park for 35years and the worst times were seeing drunken teens causing problems for the community and then you have the adults which end up unconcious laying around drunk, so i think if you approve this licence then you are spitting on the communities hard work to get this estate to where it is now, back when i was growing up it was all mass drunken people fights every weekend and people walking around with black eyes broken noses ect... now wr have kids playing in parks and riding round on they scooters bikes and where do u think these drunk teens are going to hang out in the local parks the first bench they see. So as a person thats seen this estate progress for 35years please dont approve a alcohol licence to any store or shop infact i think the estate would be more appreciated if you were to add a ban to the estate for selling alcohol. Thanks Stephen Jones of Alexander Court	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

This page is intentionally left blank



**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>  
**Sent:** 18 July 2022 13:08  
**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Lisa	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
18/07/2022 13:07:00	
<b>Message -</b>	
DRINKS LICENCE APPLICATION FOR SHOP IN LANSBURY PARK- We regularly hear and see arguments and fighting at the tail end of the stretch (Haldane side) ,and this is not only adults, and this is without a off licence actually being on Lansbury Pk . I do hope this isnt going to go ahead , especially where its based by the children's park as this isn't cleaned every day. A few questions I would like to ask is Is this a trail period ? If there are any problems reported, could the licence be retracted ? If the council agree, are they going to contract a cleaner for the park each morning prior to children going to and from school ? It's bad enough with the cameras not working with motorbikes every weekend driving up and down the middle of the estate right past the park where the children play, although increasing the easy access to alcohol on the estate to hang around the outside of this particular shop where they congregate with drink is going to cause us more problems on the estate. Thank you	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

**From:** l.jones\*\*  
**Sent:** 18 July 2022 15:42  
**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
**Subject:** 44 Attlee court

The Prevention of Crime and Disorder

Public Safety

The Prevention of Public Nuisance

### **The Protection of Children from Harm**

DRINKS LICENCE APPLICATION FOR SHOP IN LANSBURY PARK- We regularly hear and see arguments and fighting at the tail end of the stretch (Haldane side) ,and this is not only adults, and this is without a off licence actually being on Lansbury Pk . I do hope this isnt going to go ahead , especially where its based by the children's park as this isn't cleaned every day. A few questions I would like to ask is Is this a trail period ?

If there are any problems reported, could the licence be retracted ?

If the council agree, are they going to contract a cleaner for the park each morning prior to children going to and from school ?

It's bad enough with the cameras not working with motorbikes every weekend driving up and down the middle of the estate right past the park where the children play, although increasing the easy access to alcohol on the estate to hang around the outside of this particular shop where they congregate with drink is going to cause us more problems on the estate.

Thank you

Sent from my Galaxy

**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>  
**Sent:** 18 July 2022 13:12  
**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Vikki giles	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
18/07/2022 13:11:30	
<b>Message -</b>	
I would like to oppose the plan for an off licence in lansbury Park, I don't think it's suitable for a community with such a high number of children, I also feel that the location near the park would stop parents allowing the children to play in fear of them witnessing alcohol induced antisocial behaviour.	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

**From:** Vikki Giles <  
**Sent:** 18 July 2022 20:45  
**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
**Subject:** 474 Attlee court

I oppose the decision for an alcohol licence to be permitted at 44 Attlee Court Caerphilly.

My decision is for many reasons

1. The shop is on the only route from landbury Park to the school with no roads making this route independent to many children walking too and from school, I don't think parents would be happy to allow their children to be independent if there is a risk of people congregating and drinking alcohol.
2. This area is already a hot spot for anti social behaviour.
3. This area is near a park, the only park the children have access to in the estate, historically a park was removed from the estate due to people congregating in it when the first off licence in Maxton Court was there.
- 4 there is already a problem with litter and broken glass bottles in the area
5. It will promote drinking from morning til night with the times of alcohol sales proposed.
6. The area is surrounded by a number of OAP flats, the noise levels wouldn't be fair on our older generation.

Many thanks

Vikki Giles

This page is intentionally left blank

**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>

**Sent:** 18 July 2022 13:40

**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Mrs leann dyke	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
18/07/2022 13:40:02	
<b>Message -</b>	
I would like to appeal against the shop having a drink licence as it will bring a lot of antisocial behaviour, and the childens park will be full of people drinking like it used to before when we had a shop down here, its not safe the the young children of lansbury pak. As you can imagine all the waste cans , bottles will just put thrown around so more dangerous with broken glass ect, i hope for the safety of lansbury park it this shop does not get the drink licence it is looking for	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

This page is intentionally left blank

**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>

**Sent:** 18 July 2022 13:56

**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Kate	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
18/07/2022 13:54:39	
<b>Message -</b>	
I would like to oppose the selling of alcohol in Lansbury newsagents as it will cause a lot of nuisance with people sitting on the main stretch drinking and broken glass everywhere, which was an issue last time alcohol was sold, we would like to keep the area kid friendly and clean as the shop is next to a park	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

**From:** Kate George <

**Sent:** 18 July 2022 16:38

**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

**Subject:** Oppose

I would like to oppose the alcohol license at the papershop in Lansbury as it will cause a lot of trouble with people sitting on the stretch drinking, smashing bottles like it used to be when another shop used to sell alcohol, being so close to the park with children coming and going, only now seems to be getting the park better

This page is intentionally left blank



-----Original Message-----

From: Lisa Fletcher <

Sent: 19 July 2022 07:38

To: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

Subject: The paper shop in Lansburry park

I would like to make a stop to the sell of alcohol in Lansburry park it as coursed loads of trouble in the past there loads of fighting and drunk are walking around now as it is I live on the wall away up the shop I run my own pub and can't sleep at night because of the noise with people drunk and playing the kids park is right next to the shop and it want be safe for them to play or us to get slept or keep a nice safe place for old age or people who work and children playing , we have a add a good name again when Trevor stopped selling it years ago please do not let this go head you will regret it and good people who help with Lansburry park name will move I will definitely move Sent from my iPhone

This page is intentionally left blank

**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>

**Sent:** 18 July 2022 14:32

**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Kelly jones	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
18/07/2022 14:30:49	
<b>Message -</b>	
Opposing the licence given to the corner shop in Lansbury park. Too much antisocial behaviour now with teenagers in the park at ridiculous hours. By adding alcohol into your the mix is even worse, none of the residents want this as it will only make this worse for us residents we do not want alcohol on Lansbury park estate	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

This page is intentionally left blank

**From:** DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>

**Sent:** 18 July 2022 15:20

**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

**Subject:** Website Contact --- Licensing and permits

<b>Name -</b>	
Amanda gill	
<b>Email Address -</b>	
<b>Phone Number -</b>	
<b>Date Submitted -</b>	
18/07/2022 15:20:10	
<b>Message -</b>	
I wish to oppose the new owner of lansbury paper shop selling alcohol cause you will have them all sat in the park	
<b>Reference -</b>	
<b>NB</b> This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.	

**From:** Mandy gill

**Sent:** 21 July 2022 15:13

**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

**Subject:**

I object to the license for the paper shop cause you got the park by there and they will be drinking in there and the children are back and fore the shop and I think there will be a lot of trouble with people sat outside the shop drinking

This page is intentionally left blank

**From:** gemma carter  
**Sent:** 19 July 2022 11:04  
**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
**Subject:** 44 Attlee court, Lansbury park.

I hope this email finds you well.

I'm Emailing you in correspondence to the paper shop at 44 Attlee court being turned into an off-licence.

My self and a number of residents would like to ask you not to allow this to happen. I'm aware some have emailed but some haven't, so I have screen shot replies To Elaine Forehead asking people on social media (Facebook) what their thoughts were. I will attach said comments to this email.

I live 2 doors away from the shop and think it's a very bad idea. We have enough people drinking, fighting on the estate as it is never mind a shop selling alcohol on their doorstep. And right by a park at that. Us residents are put sweeping up glass on a daily due to people drinking and smashing glass bottles. Also in and around the park, where the children are expected to play.

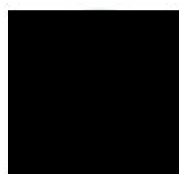
The park is also right by the shop and the block of flats at the end of that row the majority are alcoholics and bad enough as it is.

We had an off-licence going back 25years+ago and it was the worst, people hanging around outside the shop, people to scared to walk past, and the trouble was shocking.



People, residents, council, has all tried making lansbury park a better place, and I'm afraid by allowing this off-licence to go ahead it's only going to send Lansbury park backwards after so much effort to make it a better place.


Kind regards

Gemma carter

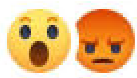
02 - UK       76%  11:02 Search15 Jul at 04:14 · 

Takes the fucking piss 3 grown ass women drunk in the park making a racket and waking you up before 4 o'clock.

Makes you laugh when the one starts shouting at you as you ask them to leave as some people have work and people have kids in bed. They then start shouting asking if we really have a jobs as we live on Lansbury, calling us scruffy C-NTS  

Honestly the cheek of some people ! I'm pretty sure bother with some of the people on the estate  and if it's that bad why do you need to be on the estate

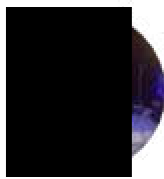




and 3 others >

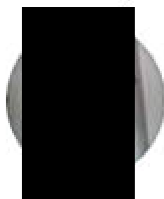


Write a reply...



Phone the council the license office if you don't want it on the park do something about it you only have until the 21july to lodge your complaint

1 d Like Reply



They will only be selling alcohol 7pm - 10pm

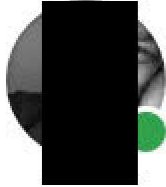
21 h Like Reply



i agree with you all i remember them all sat outside the offy in



and 3 others >



We got enough Bottles/ cans ect strewn all over the place now and I see loads of glass with bottles being smashed, it's right next to the park as well

3 d Like Reply



100% no, the community have worked so hard to turn this estate into a better place be a shame for someone to come in and spoil all the hard work everyone has done over the years.

2 d Like Reply



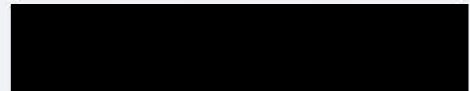
... if ever



and 3 others >



Write a reply...



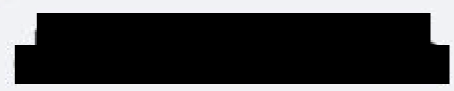
The case officer is Alan Morgan 01443 866750. Also there is a form on ccbc website to object XX

4 d Like Reply



Can...

View 3 more replies...



I don't think it would be a good idea [Elaine Forehead](#) as we got enough trouble down he anyway with out a shop on here selling alcohol they will all hang out

02 - UK

79% 10:47



[Redacted] and 3 others &gt;



[Redacted]

We regularly hear and see arguments and fighting through all sorts now at the tail end of the stretch (Haldane side) ,and this is not only adults, and this is without a off licence actually being on lansbury . I do hope this isnt going to go ahead 😞 especially where its based by the children's park as this isn't cleaned every day.

A few questions I would like to ask is

Is this a trail period ?

If there are any problems reported, could the licence be retracted?

If the council agree, are they



and 3 others >



worse. MORRISON'S SELL'S alcohol  
and so does the 7-11 it's a five  
minute walk, so surely there's no  
need to sell alcohol on the  
estate. Xx

4 d Like Reply

3



It's not so much having a alcohol  
licence it's the impact that it  
could have on the estate, it's a  
backwards step definitely 100, I  
got a daughter growing up on  
the estate an I dnt want her to  
witness scenes I did as a child  
when Trev's was there fact!!

4 d Like Reply

3





**and 3 others** >



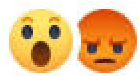
Write a reply...



As much as it would be nice to pop around the corner to by a bottle of wine, I really don't think it would do the estate any favours. I love [redacted] he his so welcoming and polite and I love his shop, as stated above it's so handy to walk around the corner and get bits and Bob. The anti social behaviour is bad enough now I can only imagine it getting worse. Morrisons sells alcohol and so does the 7-11 it's a five minute walk, so surely there's no need to sell alcohol on the

02 - UK

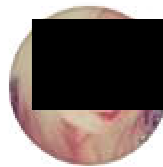
80% 10:46

**[REDACTED] and 3 others** >

after you and so man... See more

4 d Like Reply

10  

**[REDACTED]**

At first I had no concerns but after some thought I don't think it's a great idea, the kids walk to and from school that way, there's a bench outside the shop which may encourage people to drink there but even if that was removed there's the park, which would be such a shame if people had to stop their children going in because of people drinking there, without there being an off licence there there are regularly beer bottles

02 - UK

80% 10:45



and 3 others &gt;



Hes selling to another buyer xx

4 d Like Reply



It's not [REDACTED] it's the new buyer. I've heard a few people complaining about it on the back stretch, as long as it doesn't affect me I don't care, coz I live right by the shop and they want it open till late. The council said years ago they would never allow another off-license after Trevors had gone. I just hope having an off-licence there doesn't make Lansbury go back backwards



**From:** Bill Freeman  
**Sent:** 18 July 2022 14:30  
**To:** WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>  
**Subject:** RE: 44 Atlee Crt, Lansbury Park, Caerphilly,

Hi Alan

I don't think there is much I can add to my initial defence of the application but to summarize the points already made:-

1. The applicant and her husband are very experienced licensees who have had a number of similar businesses over the past years and been vetted by the police licensing officer.
2. The Police representations to our application were very thorough showing an awareness and appreciation of the difficulties the district had encountered in the past. The result being a set of representations that the applicant considered very fair and helpful and were pleased to have them incorporated as conditions on the licence.
3. The conditions now deal with the problem of litter in the vicinity of the shop and the applicant is to arrange regular patrols to collect and dispose of litter emanating from the premises. No gatherings of drinkers in the vicinity of the premises. CCTV inside and outside the premises so that troublemakers can be easily identified and police notified. There shall be no serving of alcohol to persons appearing to be drunk and action such as banning from the premises will be used in appropriate situations.
4. Therefore there should be no drunken person loitering in the area having obtained alcohol from this premise.
5. Notices will be on show in the premises outlining the use of CCTV and other restrictions the applicant may wish to bring to customers attention.
6. It would appear that some of the events mentioned by the objectors feature both adults and teenagers. Teenagers, that is under 18 ears of age, should not be drunk as our staff training ensure that staff know the required procedure when serving alcohol to persons who may appear underage. Persons may be required to produce identification if they appear to be under 25 years of age. Also adults would be refused service if they appeared to be drunk. It is unlawful.
7. In conclusion the applicant believes that with her knowledge in the trade, the conditions on the licence, the cooperation and support of the local community the shop would play a vital part in the future development of the area.

Thanks Alan, I am hoping that our replies will enable the objectors and Councillor can see the determination of the applicant to make this shop an asset to the community and give her a chance to succeed by withdrawing their objections, as after all it is for the licensee to be strong and the community obey the rules which will lead to success.

Bill

Sent from [Mail](#) for Windows

This page is intentionally left blank

## Proposed Conditions

1. a. CCTV shall be in use at the premises and shall cover the whole of the inside areas of the premises as well as the area immediately outside.

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.

- b. 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.
- c. 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 another 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 3 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.
- d. 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 signs indicating that CCTV equipment is in use and recording at the premises

2. 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.

3. 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 2 above. All such training shall be updated as necessary, for instance when legislation changes and must include training on how to deal with difficult customers and customers who are intoxicated or under the influence of illicit substances. Such staff shall also receive safeguarding training. 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.
4. 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 and 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 in the logbook shall be kept for a 12 month period.
5. Rowdy and/or disorderly customers will be asked to leave the premises.
6. The licence holder shall ensure that the area immediately outside of the shop is kept free from litter and shall arrange for regular inspections to be carried out to secure the removal of such litter
7. Should customers be outside the premises causing congestion on the pavement, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity of the store.
8. There shall be no consumption of alcoholic beverages purchased from the premises in open containers outside at the front of the premises.
9. Shutters shall be installed on the outside of all external windows and doors at the premises. The shutters shall be closed and locked when the premises are not open for business.
10. 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