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Date: 13th July 2023

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, 20th July, 2023 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

A G E N D A

	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.

To receive and consider the following report:-

3 Licensing Act 2003 - Determination of Premises Licence Application.

1 - 58

Circulation:

Councillors D.C. Harse, Ms J.G. Jones and W. Williams (Chair)

And Appropriate Officers

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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. except for discussions involving confidential or exempt items.

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LICENSING AND GAMBLING SUB COMMITTEE - 20TH JULY 2023

SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION

REPORT BY: LEE MORGAN LICENSING MANAGER

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1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Mr Awat Khazri	Pizza Bites 2b Penallta Road, Ystrad Mynach, Hengoed, CF82 7AP	New Premises licence

1.1 Application for Grant of a New Premises Licence

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

1.2 Site Plan/Photographs

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

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

Photographs of the location are reproduced as **Appendix 2a**

1.3 Proposed Trading Times and Licensable Activity

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

- **Late Night Refreshment (LNR) – (Indoors only)**
- Sunday to Thursday 23.00 to 24.00
Friday to Saturday 23.00 to 01.00

Members will note that Late Night Refreshment applies to the supply of hot food or drink between the hours of 23.00-05.00hrs.

A general description of the proposed premises has been provided as “*we are a fast food takeaway serving kebab, burgers, pizzas, drinks and a small selection of deserts. We have a delivery service and collection option.*”

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:-

- 1. The cctv will be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The system shall also record clear images permitting the identification of individuals.*
- 2. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and area quietly.*
- 3. Children must be accompanied by a responsible adult after 22.00 hrs . Staff doors will also be locked so children can not enter the kitchen*
- 4. The cctv will be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The system shall also record clear images permitting the identification of individuals.*

1.3.2 Existing Late night refreshment establishments in vicinity. Licensing Authority records indicate the following premises possess the ability to provide late night refreshment.

Name	Address	Permitted Times	Distance away
Chicken & Pizza Land	7 Commercial Street, Ystrad Mynach	Mon – Sun Midnight	86 metres
Lucky Valley	14 Commercial Street, Ystrad Mynach	Sun – Thurs 23.30 Fri – Sat Midnight	93 metres
Viceroy of India	12-14 Penallta Road, Ystrad Mynach	Sun – Thurs Midnight Fri – Sat 01.00	89 metres

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 following responsible authorities have indicated that they have no representations in respect of the proposed new premises licence:-
South Wales Fire & Rescue Service, Child Protection Officer and Environmental Health (Health & Safety).

Environmental Health Pollution

Document	Date Received	Appendix Reference
Initial Representation	16/06/2023	Appendix 5
Supplementary Comments	29/06/2023	Appendix 5a

Trading Standards

Document	Date Received	Appendix Reference
Initial Representation	27/06/2023	Appendix 6

Police

Document	Date Received	Appendix Reference
Initial Representation	28/06/2023	Appendix 7

Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
Initial Representation	29/06/2023	Appendix 8

1.5.2 Other Persons:**Elected Member**

Document	Date Received	Appendix Reference
Cllr Angel Representation	12/06/2023	Appendix 9

Residents

Document	Date Received	Appendix Reference
Resident A Representation Ms Wood	16/06/2023	Appendix 10
Resident B Representation Mr Richards	19/06/2023	Appendix 11
Resident C Representation Mr Enright	26/06/2023	Appendix 12

Community Council

Document	Date Received	Appendix Reference
Community Councillor C Mortimer	26/06/2023	Appendix 13

1.6 SUMMARY OF REPRESENTATIONS

There were a number of representations objecting to the application during the 28day consultation period. All such comments were forwarded to the applicant for his consideration and comment.

Representations were received from the Environmental Health Pollution Officer who detailed her objection to the application with concerns in respect of the promotion of the prevention of public nuisance licensing objective. Reference is made to complaints received from local residents regarding noise from the premises, noise from delivery drivers, shouting and anti-social behaviour.

The Environmental Health Officer makes reference to any hours of trading beyond 11pm will have a detrimental effect on residents, the location of the premises is deemed unsuitable for the premises to be open beyond 11pm and there is no appropriate mitigation which could minimise the risk of public nuisance. The Environmental Health Officer comments that the above disturbances cannot be reduced to a reasonable level by conditions attached to the operating schedule. Further comment is made about the applicant's failure to respond to correspondence from the Environmental Health Officer following recent complaints.

The Trading Standards Officer supported the concerns of the Environmental Health Officer detailing recent interaction with the applicant which includes complaints concerning the breaching of permitted hours which includes an ongoing investigation. The Trading Standards Officer details that it is a location which is attractive to youths to congregate and after closure of the premises, staff from the business tend to congregate with others in the Street.

Gwent Police have conducted a site visit and met with the applicant, who agreed to address a number of issues highlighted at the premises which included to increase the CCTV coverage, remove a settee inside the premises to prevent persons loitering on the premises and prevent anti-social behaviour. The applicant was advised that delivery drivers attending to collect orders behave in a respectful manner and should not play loud music or use their vehicle horns outside the premise, the applicant was asked to consider curtailing the hours applied for to midnight (00:00) in line with other late night refreshment establishments and this was declined by the applicant, Gwent Police do not object to the whole application, and propose the premises closes in line with other late night refreshment premises.

Gwent Police have carried out a search on the Police systems specific for Penallta Road which has 40 reported incidents between June 2022-June 2023, which equates to 11 crimes and 29 reports of antisocial behaviour.

Licensing Authority in their role as a Responsible Authority have provided their representations and detailed their objections in respect of the prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. A site visit was conducted along with Gwent Police Officers and the location of the premises and the close proximity to residential properties raised concerns given the hours applied for.

Comment is made concerning the premises location and the provision of a delivery service, all of which are likely to cause a public nuisance to nearby residents, noise from patrons leaving the premises, light pollution and litter problems and has the potential to impact adversely on the licensing objectives.

The Licensing Authority is also aware of complaints received regarding the use of the premises after 11:00 pm and the investigations recently undertaken by colleagues within the Trading Standards Department.

The Licensing Authority detailed an objection to the application in its current form and would support the representations submitted by other Responsible Authorities.

The Elected Member for the area has objected to the application detailing his concerns in respect of youths which are gathering late at night and antisocial behaviour being experienced by residents.

Resident Ms Wood wishes to object to the application sighting concerns about the increased chances of nuisance arising, if allowed to open later.

Resident Mr Enright detailed concerns given his proximity to the premises and exiting issues being experienced describing it as a “nightmare.” Mr Enright raised concerns with the litter from discarded food containers outside the premises, along with the impact on noise levels from cars revving and the use of car horns late at night and past midnight which it was indicated “have become the norm”.

Mr Enright detailed that an employee from the premises had been witnessed urinating up against the side of the building after the premises was shutting up, he describes the Town centre as “sleepy” after 10pm and raises concerns with persons from outside the area being attracted to the premises.

Resident Mr Richards highlighted a number of concerns which included high volumes of music, screaming and shouting and the emptying of bins all of which occur late at night. Mr Richards detailed issues regarding litter from the premises being discarded in the lane outside his home, furthermore, issues around delivery vehicles blocking his access to his home.

1.7 APPLICANT RESPONSE

The applicant has responded to the comments of Heddlu Gwent Police to accept revised conditions proposed by the Police should a licence be granted. However, the applicant does not agree with the Police position in relation to permitted hours and a Midnight cessation of late-night refreshment. To date, no response has been received in relation to the comments submitted by other Responsible Authorities or Interested Parties.

1.8 LICENSING ASSESSMENT

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

- The prevention of crime and disorder;
- Public safety;

- The prevention of public nuisance;
- The protection of children from harm

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

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

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

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

1.9 OBSERVATIONS

This application relates to the granting of a new premises licence for the purposes of the provision of late-night refreshment. Late Night refreshment is a licensable activity, this is the sale of hot food and drink after 11pm and before 5am for consumption on or off the premises.

It should be noted that no licence is required to sell hot food or drink outside of these times. Therefore, subject to the requisite planning permission, a premises could provide hot food or drink from 05.00hrs until 22.59hrs. Therefore, Members will have no ability to effect trading at this premises between these hours and can only determine whether to permit the sale of hot food and drink between 23.00hrs-until 05.00hrs.

In relation to this application, Members will note that the applicant seeks to permit late night refreshment Sunday to Thursday until Midnight and Friday and Saturday until 01.00hrs.

Representations objecting to the application for the provision of late-night refreshment have been received from the Environmental Health Pollution Team Officer in relation the promotion of the prevention of public nuisance licensing objective and the detrimental impact on residents should the premises open beyond 11pm. The Environmental Health Officer has detailed her objection to the application clarifying that the implementation of conditions would not allay her concerns in relation to the promotion of the licensing objectives.

Members are guided to paragraph 9.12 of the Section 182 National Guidance and the weight that can be afforded to the comments of Responsible Authorities which 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.

The Councils Statement of Licensing Policy at paragraph 11.1 provides guidance and states *'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.'*

The Section 182 National Guidance at paragraph 2.15 details the following *'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.*

Members will note that the Environmental Health Pollution Officer has detailed that in respect of this application, it is not believed that the applicant could promote the Licensing objectives, in particular the prevention of public nuisance with the attaching of conditions. Concern is expressed over a failure of the applicant to respond to correspondence concerning previous complaints. Comment is expressed that the lack of contact does not show the commitment to minimising the potential for public nuisance that would be expected from a business operating close to residential properties.

Furthermore paragraph 11.4 of the Council's Licensing policy provides further guidance namely *'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.'*

Objections to the grant of the application have also been received from the Licensing Authority in its role as a responsible authority, Trading Standards and from Gwent Police (although the Police have not made an outright objection to the application, only to the proposed hours.)

Representations making objections to the granting of the premises licence have also been received from residents, who appear to live in close proximity to the premises, highlighting existing crime and disorder, antisocial behaviour, noise and litter which they appear to attribute to this premises. The resident comments appear to be reflected in complaints made to the local authority licensing, environmental health and trading standards teams.

Paragraph 28.21 of the council's licensing policy details *'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.'*

Furthermore, representations objecting to the grant of the application have been received from an Elected Member and from the Community Council.

The Trading Standards Officer has highlighted concerns in relation to complaints previously received concerning the sale of hot food / drinks after 23.00hrs in the absence of a licence. The Trading Standards Officer details that there is an ongoing investigation in relation to the same.

Given the above, it is a concern that residents have referenced in their submission concerns that the premises currently trades beyond its permitted hours i.e 23.00hrs and its opening is contributing to the local prevailing conditions within the town centre.

Concern is raised by residents about the rewarding of poor behaviour should the application be approved, with reference to the applicants alleged lack of regard to the area and poor management of the premises late at night highlighting, the emptying of bins and playing of loud music.

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 all comments received by other parties, it is recommended that the application for a Premises Licence for late night refreshment be **refused**. It is not considered that the promotion of the Licensing Objectives may be adequately controlled or mitigated by conditions in this instance.

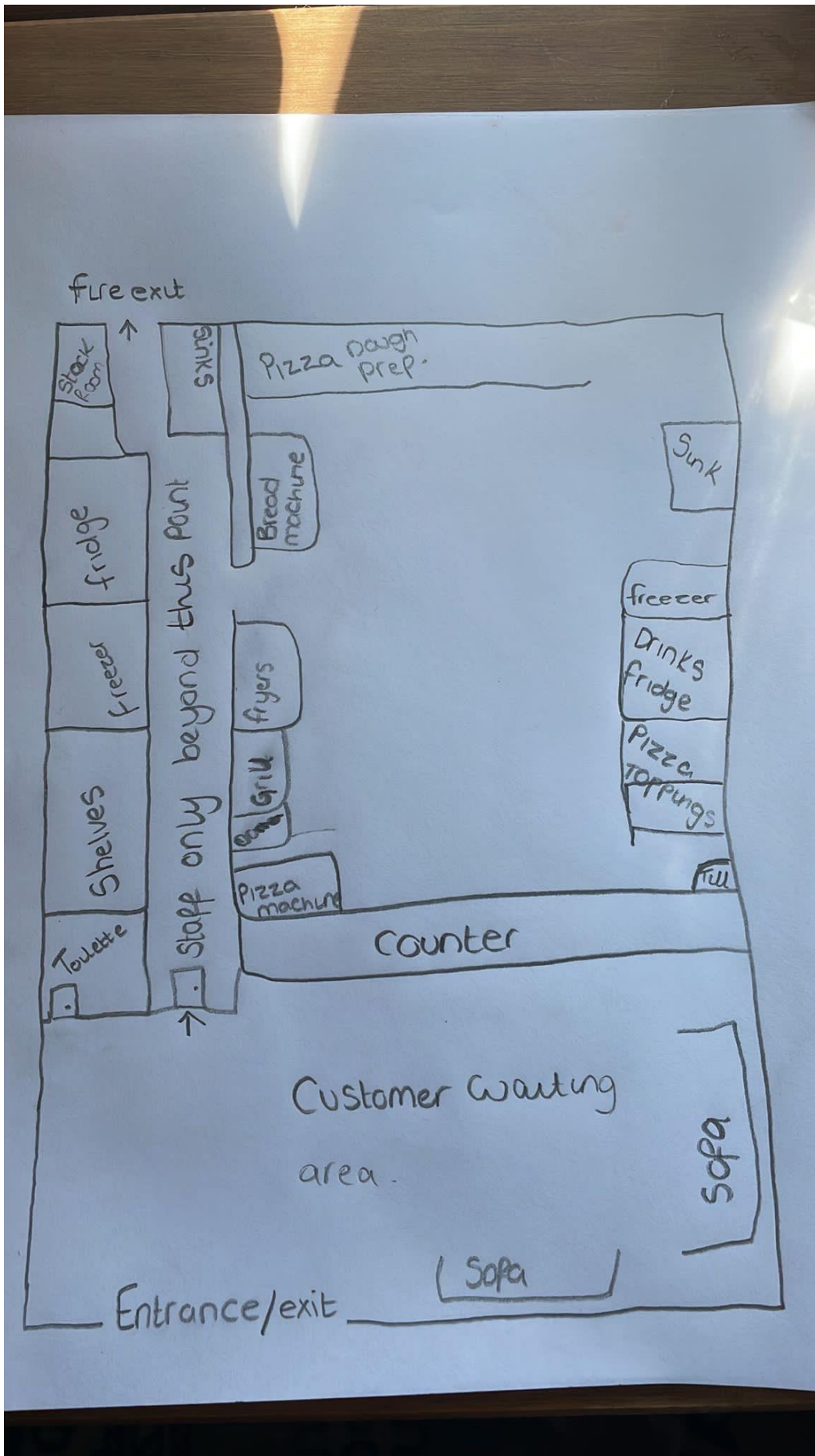
In reaching this conclusion it is noted that there are objections to the prevention of public nuisance licensing objective from the Environmental Health Pollution Team, Trading Standards and Local Authority in its role as a response Authority and concerns in relation to the confidence in management of the applicant following a relatively recent complaint history. Should Members determine to grant the application for late night refreshment, then consideration should be given to the hours sought and robust conditions in order to promote the licensing objectives.

Background Papers: Links to : **Statutory Guidance issued under S182 of the Licensing Act**

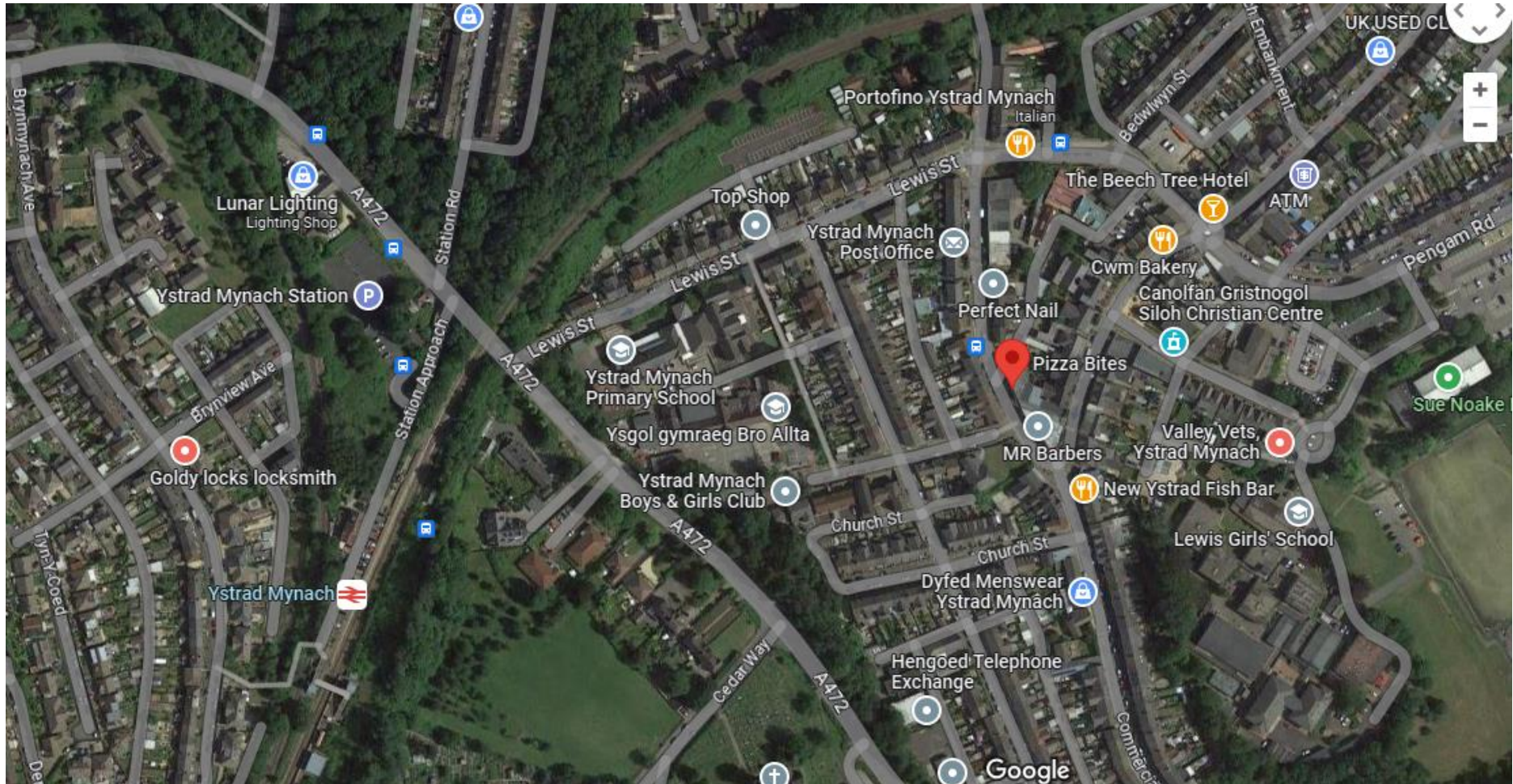
Caerphilly CBC Statement of Licensing Policy

Date of this report: 11th July 2023

Author: Lee Morgan – Licensing Manager
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Extract of Statement of Licensing Policy

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

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

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

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

9.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives (of which each one is of equal importance) are: • The prevention of crime and disorder; 13 • Public safety; • The prevention of public nuisance; • The protection of children from harm.

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; or
- extended opening hours are proposed.

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

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.

11.9 The Well-being of Future Generations (Wales) Act 2015, Noise & Soundscape Management. The Well-being of Future Generations (Wales) Act 2015 (hereinafter referred to as the WFG Act 2015) places a duty on Local Authorities including the Licensing 17 Authority to embody sustainable development principles aimed at achieving seven prescribed well-being goals as part of its fundamental operation; this includes the delivery of its Licensing function. One of the cornerstone areas of consideration is the management of noise and its impact on health and well-being.

11.10 The Statutory Licensing guidance issued under Section 182 of the Licensing Act 2003 does not currently provide any reference to how operationally Licensing Authorities are to have regard to the requirements of the WFG Act 2015 specifically as it may relate to the promotion of the Licensing Objective, the Prevention of Public Nuisance. It is clear however in the Welsh Government's 'Noise and Soundscape Action Plan 2018-2023' that there is recognition of the impact of noise. The Licensing Authority will have regard to this action plan when determining applications (please refer to section 17 Integrating strategies below).

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.

22 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.

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

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.

28.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each Responsible Authority to determine when they have appropriate grounds to do so

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.

28.14 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.

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.

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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.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

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.

3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of

23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

3.35 It is a criminal offence under section 136 of the 2003 Act to carry on any of the licensable activities listed at paragraph 3.2 above other than in accordance with a licence or other authorisation under the 2003 Act. The fine for this offence is unlimited. Police and local authorities have powers to take action in relation to premises carrying on unauthorised activities.

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.

8.14 While any of these persons may act in their own right, they may also request that a representative makes the representation to the licensing authority on their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all act in such a capacity.

8.38 Individuals applying for a premises licence for the sale of alcohol or late night refreshment must be entitled to work in the UK. Licensing authorities must be satisfied that an individual who applies for a premises licence is entitled to work in the UK. This includes applications made by more than one individual applicant. An application made by an individual without the entitlement to work in the UK must be rejected. This applies to applications which include the sale of alcohol and the provisions of late night refreshment, but does not include applications which apply to regulated entertainment only. For example, a person applying for a licence for a music venue who does not intend to sell alcohol or late night refreshment is not prohibited from applying for a licence on grounds of immigration status. However, they will commit a criminal offence if they work illegally.

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 assessment), 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 consideration given to the licensing objectives and any measures that are proposed to promote them.

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 a 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.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁴. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

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

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

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

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional 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 any 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.

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with 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.

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

14.19 There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

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.

14.52 Statements of licensing policy should set out the licensing authority’s approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

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RESPONSIBLE AUTHORITY REPRESENTATION

RESPONSIBLE AUTHORITY -

Environmental Health (Noise)

Your Name	Ceri Davis
Job Title	Environmental Health Officer
Postal and e-mail address	Penallta House Tredomen Park Ystrad Mynach CF82 7PG
Contact telephone number	01443 811348

Name and Address of Applicant	Awat Khazri, *****
Premises	Pizza Bites, 2B Penallta Road, Ystrad Mynach

Which of the four Licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation.
The prevention of crime and disorder	No	
Public safety	No	
The prevention of public nuisance	Yes	<p>Environmental Health is of the opinion that to allow Pizza Bites to open beyond 11pm will result in an unacceptable increase in persons (customers and delivery drivers) attending the premise at a time which would have a detrimental effect on the residents living in the vicinity of the premises.</p> <p>Environmental Health have received complaints from local residents regarding noise from the premises, noise from delivery drivers, shouting, and anti-social behaviour.</p> <p>The above disturbances cannot be reduced to a reasonable level by conditions attached to the operating schedule.</p> <p>This application does not promote the licensing objectives and therefore Environmental Health object to this application based on the prevention of public nuisance.</p>

The protection of children from harm	No	
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What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account.		
Are you prepared to discuss these representations with the applicant by way of mediation?	Yes or No	No

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

Signed: Ceri Davis

Date: 16th June 2023

Please return this form to: Licensing Section, Caerphilly County Borough Council, Penallta House, Tredomen Park, Ystrad Mynach CF82 7PG. Or e-mail to furmar@caerphilly.gov.uk **This form must be returned within the Statutory Period.**

From: [Davis, Ceri J](#)
To: [WWW: Licensing](#)
Cc: [Myraan Lee](#)
Subject: FW: Pizza Bites variation
Date: 29 June 2023 17:14:30
Attachments: [Pizza Bites_Ystrad.Mynach.doc](#)

Following on from my attached representations, I have read the comments of the local residents and ward members & their concerns have been duly noted. In arriving at my position, whereby Environmental Health object to this application, I have considered the Council's Statement of Licensing Policy and in particular paragraph 11.1 of the Policy.

Environmental Health are of the opinion that to allow this premises to open beyond 11pm will result in unacceptable increase in persons (customers and delivery drivers) attending the premise at a time which would have a detrimental effect on the residents living in the vicinity of the premises.

Paragraph 11.4 recognises that that the impacts of licensed activities are not contained within a building, which supports our concerns regarding the noise from customers and delivery drivers attending the premises after 11pm. Given the location of this premises, Environmental Health do not feel that it is a suitable location for a premises to be open after 11pm. We also do not feel there is any appropriate mitigation that could be employed to minimise the risk of public nuisance, in this case.

Paragraph 11.6 of the Licensing Policy 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 areas or where extended opening hours are proposed.

Environmental Health have received two noise complaints from local residents regarding this premises, since October 2022. Once these complaints were received, the premises was sent letters (on both occasions) to inform them that complaints had been received & they contained my contact details, should the owner wish to discuss the complaints further with me. Unfortunately, the licensee made no attempt to contact me to discuss these complaints or seek advice regarding the issues raised by the local residents, which is disappointing. Environmental Health feel that this lack of contact does not show the commitment to minimising the potential for public nuisance that we would expect from a business operating close to residential properties.

As such, Environmental Health continue to object to this application to open beyond 11pm, under the Public Nuisance Licensing Objective.

Kind regards

Ceri

Ceri Davis

Swyddog Iechyd yr Amgylchedd Rhanbarth | District Environmental Health Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 811348

✉ daviscj@caerphilly.gov.uk daviscj@caerffili.gov.uk

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Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

From: Davis, Ceri J <DAVISCJ@CAERPHILLY.GOV.UK>

Sent: Friday, June 16, 2023 1:29 PM

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

Subject: RE: Pizza Bites variation

Is this ok?

Ceri Davis

Swyddog Iechyd yr Amgylchedd Rhanbarth | District Environmental Health Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 811348

✉ daviscj@caerphilly.gov.uk daviscj@caerffili.gov.uk

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Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – TRADING STANDARDS

Name of Applicant	Awat KHAZRI
Premises	Pizza Bites, 2B Penallta Road, Ystrad Mynach, Hengoed, CF82 7AP

Your Name	Tim Keohane	Date 27/06/2023
Job Title	Senior Trading Standards Officer	
e.mail Address	keohatp@caerphilly.gov.uk	
Contact Telephone Number	01443 811319	

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

Please outline the reasons for your Representations
<p>My representations are to support those of my fellow Responsible Authority, CCBC Environmental Health. I support their objections to the issue of the licence for the following reasons;</p> <ul style="list-style-type: none"> • The Trading Standards Service has received a number of complaints regarding the premises operating after 11PM in contravention of the Licensing Act 2003, the complaints concentrating on nuisance from customers and staff after 11PM. The premises are subject to a current investigation into breaches of the Act. • During routine Trading Standards inspectional visits, it has been noted that the premises is an attractive place for youths to congregate. • During routine Trading Standards enforcement duties, it has been noted that after the premises closes, staff from this business and other persons tend to congregate in the street.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	N/A
	Page 37

Are you prepared to discuss these representations with the applicant by way of mediation?	No
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N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

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



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Gwent Police

Name of Applicant	Pizza Bites
Premises	2B Penallta Road , Ystrad Mynach Hengoed CF82 7AP

Your Name	Jon Taylor
Job Title	Police Constable 1141
em ail Address	LicensingWest@gwent.police.uk
Contact Telephone Number	07788328928
Date	27/6/2023

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

Please outline the reasons for your Representations
<p>The applicant Awat Khazri is applying for a late-night refreshment license to trade as Pizza Bites at the above address.</p> <p>The applicant is requesting a late-night refreshment license to trade Monday to Sunday.</p> <p>Proposed opening hours are Sunday to Thursday 16.00 hrs to 00.00 hrs Friday and Saturday 16.00 hrs to 01.00 hrs</p> <p>On Tues 13th June 2023 Pc 1141 Taylor from Gwent police licensing met with the applicant at the address. Also in attendance was Annette Dicks from Caerphilly council licensing.</p> <p>The application was discussed with the applicant Awat Khazri and some issues were raised around CCTV at the premises. Pc Taylor identified a need for CCTV to cover all areas inside the premises and front entrance.</p> <p>The applicant agreed to increase CCTV coverage as requested by 2 x cameras. Inside the premises was noted a large settee. It was highlighted to the applicant by both Pc Taylor and Annette Dicks that removing it would discourage any persons to loiter in the shop during opening hours. It was recommended to the applicant that it be removed to prevent antisocial behaviour.</p>

The applicant operates a take a way service from the establishment and stated delivery drivers park around the corner as parking outside can be problematic. Pc Taylor and Annette Dicks advised the applicant that drivers are reminded not to slam doors, have loud music playing in their vehicles and not to honk their horns outside the premises. It was discussed that this could have a negative impact on the residents living in the area.

The applicant agreed in the meeting to address the issues highlighted to help promote the licensing objectives

On Tues 20th June Pc Taylor had a conversation with the applicant regarding hours requested for Friday and Saturday. The applicant is requesting late night refreshment on both nights to 01.00 hrs . Pc Taylor asked the applicant if a more realistic time of Midnight (00.00) hrs would be acceptable in line with other late night refreshment establishments in Ystrad Mynach town centre .

This was explained to the applicant by telephone, he was insistent he would remain unchanged from his application with regards to Fridays and Saturdays being 01.00 hrs close.

Having conducted a site visit on 13/6/23 and looked at other late-night refreshment establishments in the town, Gwent Police object to the 01.00 hours closing time Friday and Saturday. The additional opening hours would encourage often intoxicated customers to stay in the area for longer which is likely to have an impact on neighbouring residents, a rise in calls made to the police, a rise in crime and Anti-Social Behaviour. A search of police systems specific for Penallta Road has 40 reported incidents between June 2022 and June 2023. This equates to 11 crimes and 29 reports of antisocial behaviour. Anti-social behaviour contributes to 73% of the calls reported to Gwent police.

Gwent Police do not object to the whole application and propose that the premise closes at midnight Monday to Sunday in line with the other late night refreshment establishments in Ystrad Mynach. This will assist the applicant in promoting the licensing objectives, namely

- The prevention of crime and disorder
- The prevention of public nuisance.

The applicant has provided several conditions at the application stage that will promote the 4 licensing objectives. Gwent Police would advocate the re-wording of these and a small number of additional conditions that would support the applicant in the promotion of the licensing objectives. These have been discussed with the applicant during the multi-agency site visit

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>The applicant has proposed ‘ Below is a list of measures will be taken to promote the four licensing objectives ‘</p>
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N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

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

	<p>The prevention of crime and Disorder</p> <p>The premises license holder, or other competent person will refuse entry to the premises , to any person who appears to be intoxicated and or acting in an aggressive or offensive manner . Notices to this effect will be displayed at the premises.</p> <p>Public Safety</p> <p>The cctv will be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The system shall also record clear images permitting the identification of individuals.</p> <p>The prevention of public nuisance</p> <p>A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and area quietly.</p> <p>The protection of children from harm.</p> <p>Children must be accompanied by a responsible adult after 22.00 hrs . Staff doors will also be locked so children can not enter the kitchen .</p> <p>The applicant has proposed:</p> <p>The cctv will be maintained in good working order and continue to record when licensable activity takes place and for a period of two hours afterwards. The system shall also record clear images permitting the identification of individuals.</p> <p>Gwent Police would like this reworded to</p>
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	<p>(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the day the licence is granted.</p> <p>(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;</p> <p>(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;</p> <p>(iv) The correct time and date will be generated onto both the recording and the real time image screen;</p> <p>(v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;</p> <p>(vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;</p> <p>(vii) The system shall also record clear images permitting the identification of individuals.</p> <p>(viii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during operating hours.</p>
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	<p>In addition, Gwent Police would like to add the below conditions which would assist the applicant in promoting the licensing objectives</p> <p>Throughout the hours that the licence operates staff members 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.</p> <p>The premises license holder or other responsible person, to keep an 'incident logbook in a bound book in which full details of all incidents are recorded. This shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, 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. All records shall be kept for a period of 12 months</p> <p>Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations</p>

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

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Licensing

Name and Address of Applicant	Awat Khazri
Premises	2B Penallta Road, Ystrad Mynach, Hengoed, CF82 7AP

Your Name	Annette Dicks Date: 28 TH June 2023
Job Title	Assistant Licensing Manager
e.mail Address	dicksa@caerphilly.gov.uk
Contact Telephone Number	01443 866750

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

<p>Please outline the reasons for your Representations</p> <p>The application is for a new late night refreshment licence which seeks to provide hot food on a takeaway basis and delivery service from 11:00 pm to 12 midnight Sunday to Thursday and from 11:00 pm to 01:00 am on Friday and Saturday.</p> <p>As a result of the application, I visited the premises on 13th June 2023 with PC Jonathan Taylor of Heddlu Gwent Police to discuss the applicant's proposals. It was noted that the applicant had included in his application some measures he intended to take to promote the licensing objectives, and these were discussed with him. During our visit we also discussed the management of the premises and its location.</p> <p>It was noted that the premises, whilst in the Town Centre, was in close proximity to residential properties and the applicant was advised that concerns in relation to the prevention of public nuisance may be raised by Environmental Health, as a Responsible Authority, given the hours and activities applied for.</p> <p>Having considered the application and noted Page 45 representations submitted by other Responsible Authorities and residents classed as 'other persons' under the Licensing Act 2003, the Licensing</p>
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Authority has concerns regarding the times applied for, the premises location and the provision of a delivery service, all of which are likely to cause a public nuisance to nearby residents. This could include noise from patrons leaving the premises, light pollution and litter problems and has the potential to impact adversely on the licensing objectives, in particular, the prevention of public nuisance.

The Council's statement of Licensing Policy in Section 11.1 states' 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.

The Licensing Authority is also aware of complaints received regarding the use of the premises after 11:00 pm and the investigations recently undertaken by colleagues within the Trading Standards Department. These complaints received in December and January also made reference to litter issues, noise from patrons and delivery drivers attending the premises, anti-social behaviour and delivery drivers blocking residential lane access.

Given the above, the Licensing Authority, acting in its role as a Responsible Authority, would therefore object to the application in its current form and would support the representations submitted by other Responsible Authorities.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	
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N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

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Are you prepared to discuss these representations with the applicant by way of mediation?	Yes

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

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

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From: [Adrienne Wood](#)
To: [WWW: Licensing](#)
Subject: Re: FW: Website Contact --- Licensing and permits
Date: 16 June 2023 09:36:40

Hi

Thanks for emailing, the phone message wasn't distinct enough to hear properly.

I do still wish to object, although I know other local food businesses are offering food late, this is a small town and the business is situated in an area which is mixed residential and business, but the more businesses that are open at that time of night the busier it will be and the more public nuisance there is likely to be. This would be the only take away on Penallta Road open this late.

One nearby householder has put his house up for sale because he can't live with the late night nuisance and anti social behaviour any more, his house is just a few doors up from pizza bites.

Best wishes

Adrienne Wood

On Thu, 15 Jun 2023 at 11:58, WWW: Licensing <LICENSING@caerphilly.gov.uk> wrote:

Adrienne,

Please be advised that the application to vary the licence is for late night refreshments only, to serve take away food Sunday-Thursday until midnight and Friday – Saturday until 0100am, there is no alcohol on this application, please let me know if you still wish to object, I have left a voicemail message on the number below if you wish to discuss.

Regards

David Rees

From: DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>
Sent: Friday, June 9, 2023 8:53 AM
To: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Subject: Website Contact --- Licensing and permits

Name -

Adrienne Wood

Email Address -

[REDACTED]

Phone Number -

[REDACTED]

Date Submitted -

09/06/2023 08:51:33

Message -

With reference to the new premises licensing application made by Awat Khazri Address of Premises or Club Premises Pizza Bites, [2b Penallta Road, Ystrad Mynach CF827AP](#) I wish to object on the grounds that granting this licence to seek alcohol after all other local sales have stopped for the night will cause further public nuisance in an area which is partly residential and already suffers from anti social behaviour problems.

Reference -

NB This is an automated email sent to inform you of a contact made via the website. Please

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Mr Rhys Richards,

Thursday 15th June 2023

The Licensing Section,
Caerphilly County Borough Council,
Penallta House,
Tredomen Park,
Ystrad Mynach,
Hengoed,
CF82 7PG

Dear Sir/Madam,

RE: Pizza Bites, 2B Penallta Road, Ystrad Mynach, CF82 7AP



It has been brought to my attention that the above named shop has applied for an extension in its operating and licensing hours. After several reports were made to you by myself and other residents that they were operating illegally outside of their licensing hours for several months they were told that they could no longer be open past their licensing hours and needed to apply for a late licence. I would like to say that they have ignored any guidance you have given them and are still operating illegally after hours into the early hours of the morning on many occasions.

I am writing to you as a local resident of the area the concerns I have regarding this and that I would like to **oppose** this proposition. Pizza Bites has been operating for approx. 2 years and there has been nothing but difficulty with noise, litter, parking, waste disposal and gangs of youths, anti-social behaviour and criminal damage.

- 1) **Noise Pollution** – Pizza Bites has a high volume of noise when operating, the noise of the fans, gangs of youths (screaming and shouting), music playing to a unrespectable levels during and after closing, bins being emptied late at night. I have complained about this to the establishment on a number of occasions and to the council but when the visit takes place and advice is given to them, no progress or action is taken to reduce the level of noise coming from there.
- 2) **Parking** – Parking is an ongoing issue in Ystrad town centre as you are probably aware with the meeting we have had with the councillors, highways and the police. Again, we were promised deterrents for the parking issues and nothing has been done. Posts were installed but the shop workers, customers and delivery drivers continue to still place the access to the lane and to my house and drive. I come home everyday with not being able to access my own property because there is simply no respect for the local community. This again is not just a reflection on Pizza Bites but the links to other shops run by the same people. I have been met with confrontation a number of times when I have asked them to move their vehicles which has made me feel unsafe in my own town.
- 3) **Litter** – Everyday I am cleaning up empty takeaway containers and rubbish that has been left on the floor in the lane outside my house from their shop. The amount of litter that is being distributed as a result of their shop is utterly disgusting and it would only take a couple of days of waste to make it look deprived and run down.

- 4) **Bins & Waste** – The access to the lane to Penallta Road to the rear of Cylla Lodge is always blocked by commercial waste bins along with residential bins and there is simply no room for them to be placed there. The oil waste has on a number of occasions been emptied into the drainage and has been knocked over and dragged through the lane to the rear of my house. It is an environmental hazard to continue to operate the way that they currently are. In my opinion opening for longer hours and sticking to their own rules with no consequences will only make things worse and it is a complete utter eye sore.
- 5) **Issues with Gangs and aggressive behaviour**- This problem does not only revolve around this particular shop but the link it has with other local shops (barber shop, Ystrad mini market, vape shop) causing an unbelievable amount of anti-social behaviour, leading to the point in which my partner got threatened with a knife inside Pizza Bites on 22/04/2023. I don't want to live near a place that attracts this type of behaviour and people around. I am now on anti-depressants and medication for my anxiety as a result of all this ongoing issues with gangs of teenagers laundering outside my house. Not only teenagers but grown adults who are customers from this establishment show signs of aggression when asked to be quite or to pick up their litter.
- 6) **Criminal Damage** – As a result of this shop in its current climate, I have been faced with criminal damage to my property, car and motor home. Many occasions my solar lights have been snapped off the walls or stolen because of the custom that they attract. If they do this in light hours what could they do if its dark with later operating hours. I have had kids sitting on my car bonnet eating their food and rubbing sauce over my vehicles. Dents in my motorhome because they are unable to not kick balls in a confined area.

I hope you can understand why I am writing to you to oppose this decision, not only for the above points raised but for the upkeep and attraction to Ystrad Mynach has taken a downward spiral and an upward trend for the wrong types of behaviours. Again, I want to alliterate that they have constantly broken the rules and regulations around their licensing and now could be potentially awarded for bad behaviour. My mental health is taking a huge hit because of the continuation of events surrounding the shop in question and link shops and I have no idea what I will do if they are granted. They have no respect for us as residents and until prosecuted for their rule braking will probably continue to do what they want, when they want with no consequences from the council or police authorities.

If you do need to know or what any further information on what I face daily as a nearby resident of this establishment, please don't hesitate to get in touch. My number is [REDACTED] or you can write to me on the above address.

Kind Regards,

[REDACTED]
Rhys Richards.

From: [Cllr. Enright, Gary](#)
To: [WWW: Licensing](#)
Cc: [REDACTED]
Subject: RE: Pizza Bites variation
Date: 26 June 2023 10:59:20
Attachments: [Pizza Bites variation.msg](#)
Importance: High

Thanks David

Many thanks for that.

I wish to submit the following comments in rejection of the proposed extension of hours for Pizza Bites: I am a resident living opposite Pizza Bites, currently it's a nightmare living across from them as its, with late night cars, horns, general noise and blocking access to my house for hours on end, to extend the opening hours doesn't bear thinking about. The impact on noise levels, the environment, cleanliness with the amount of discarded food containers is unacceptable as it is. It will be a detrimental impact for the village to extend any opening hours.

Ystrad Mynach Town is generally a sleepy Town centre after 10pm, there is limited to no custom at that time of night, apart from those who drive from way outside the village to go to this establishment, car horns and revving their engines gone past 12 midnight and blocking carriageways, double parking with engines running sadly have become the norm. Pizza Bites offer nothing in the way of Community values. The mess it creates isn't acceptable as it is, never mind extending their opening hours. Only last weekend my wife witnessed one of the workers urinating against their building side wall and bins, as he obviously forgot to go to the toilet prior to shutting up at 11.45pm.

Consequently, I am completely against any proposals to increase this businesses opening hours. In fact I would be an advocate to reduce them to a maximum of 10.30pm in line with the spar.

Kind Regards

Cllr Gary Enright

Cynghorydd Sir - Llanbradach | County Councillor - Llanbradach
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



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Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

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From: [Mortimer, Ceri \(Gelligaer CC, Llanbradach & Pwllypark CC\)](#)
To: [WWW: Licensing](#)
Subject: Pzza Bites - new premises licence
Date: 26 June 2023 13:27:36
Attachments: [image001.png](#)
Importance: High

Dear Licensing

Gelligaer Community Council are unanimously opposed to the extended opening hours of Pizza Bites beyond 11pm on the basis of noise/sound pollution.

We have people residing directly in the town and nearby streets that put up with sounds from trading and traffic during the day but they do deserve the right to peace and quiet at night, a common right enjoyed by us all .

Extending the hours beyond 11pm would entice more traffic to the town at night thus becoming a public nuisance. It may also encourage drunken people at that hour thus becoming a social nuisance for residents too.

Cofion cynnes / Warm regards

Ceri

Ms Ceri Mortimer

Clerc i'r Cyngor / Clerk to the Council

Cyngor Cymuned Gelligaer Community Council

Swyddfa y Cyngor / Council Office, Llwyn Onn, Penpedairheol, Hengoed. CF82 8BB

e-bost: [REDACTED]

Ffon: [REDACTED]

www.gelligaercommunitycouncil.org.uk

www.romangelligaer.org.uk



PWYLLWCH cyn ARGRAFFU / THINK before you PRINT

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