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For all enquiries relating to this agenda please contact Rebecca Barrett  
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

**Date: 14th November 2018**

Dear Sir/Madam,

A meeting of the **Licensing and Gambling Sub Committee** will be held in the **Council Chamber - Penallta House, Tredomen, Ystrad Mynach** on **Thursday, 22nd November, 2018** 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 if requested

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meetings and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy', enclosed in a large, loopy oval shape.

**Christina Harrhy**  
INTERIM CHIEF EXECUTIVE

## AGENDA

1 To receive apologies for absence.

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.

Pages

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



To receive and consider the following report:-

- 3 Application for the Variation of a Premises Licence in respect of Asda Stores Ltd, Pontygwindy Road, Caerphilly.

1 - 48

**Circulation:**

Councillors D.W.R. Preece (Chair), J. Ridgewell and W. Williams

And Appropriate Officers

**HOW WE WILL USE YOUR INFORMATION**

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

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## LICENSING AND GAMBLING SUB-COMMITTEE

### REPORT BY LICENSING MANAGER

DATE OF MEETING: 22nd November 2018

#### 1. Application Details

<u>Applicant</u> Asda Stores Ltd	<u>Premises</u> Asda Pontygwindy Road Caerphilly	<u>Application Type</u> Variation
-------------------------------------	-----------------------------------------------------------	--------------------------------------

#### 1.1 Application for the Variation of a Premises Licence

#### 1.2 Site Plan/Photographs

A location plan is reproduced as **Appendix 1**

#### 1.3 Proposed Trading Times and Licensable Activity

<u>Existing Entitlement</u>		<u>Variation Requested</u>	
(i) <u>Hours premises are open to public</u>		(i) <u>Hours premises are open</u>	
	<b>Total Trading Hours</b>		<b>Total Trading Hours</b>
Mon	<b>06.00 – 00.00</b>	Mon	<b>00.01 – 00.00</b>
Tue	<b>06.00 – 00.00</b>	Tue	<b>00.01 – 00.00</b>
Wed	<b>06.00 – 00.00</b>	Wed	<b>00.01 – 00.00</b>
Thur	<b>06.00 – 00.00</b>	Thur	<b>00.01 – 00.00</b>
Fri	<b>06.00 – 00.00</b>	Fri	<b>00.01 – 00.00</b>
Sat	<b>06.00 – 00.00</b>	Sat	<b>00.01 – 00.00</b>
Sun	<b>06.00 – 00.00</b>	Sun	<b>00.01 – 00.00</b>

<u>Existing Entitlement</u>		<u>Variation Requested</u>	
(ii) <u>Supply of alcohol</u>		(ii) <u>Supply of Alcohol</u>	
	<b>Total Trading Hours</b>		<b>Total Trading Hours</b>
Mon	<b>06.00 – 00.00</b>	Mon	<b>00.01 – 00.00</b>
Tue	<b>06.00 – 00.00</b>	Tue	<b>00.01 – 00.00</b>
Wed	<b>06.00 – 00.00</b>	Wed	<b>00.01 – 00.00</b>
Thur	<b>06.00 – 00.00</b>	Thur	<b>00.01 – 00.00</b>
Fri	<b>06.00 – 00.00</b>	Fri	<b>00.01 – 00.00</b>
Sat	<b>06.00 – 00.00</b>	Sat	<b>00.01 – 00.00</b>
Sun	<b>06.00 – 00.00</b>	Sun	<b>00.01 – 00.00</b>

<u>Existing Entitlement</u>		<u>Variation Requested</u>	
(iii) <u>Late Night Refreshment</u>		(iii) <u>Late Night Refreshment</u>	
	<b>Total Trading Hours</b>		<b>Total Trading Hours</b>
Mon	<b>23.00 – 00.00</b>	Mon	<b>23.00 – 05.00</b>
Tue	<b>23.00 – 00.00</b>	Tue	<b>23.00 – 05.00</b>
Wed	<b>23.00 – 00.00</b>	Wed	<b>23.00 – 05.00</b>
Thur	<b>23.00 – 00.00</b>	Thur	<b>23.00 – 05.00</b>
Fri	<b>23.00 – 00.00</b>	Fri	<b>23.00 – 05.00</b>
Sat	<b>23.00 – 00.00</b>	Sat	<b>23.00 – 05.00</b>
Sun	<b>23.00 – 00.00</b>	Sun	<b>23.00 – 05.00</b>

NB A Licence for Late Night Refreshment (Hot Food & Drink) is only required between the hours 23.00 – 05.00

The application for the variation of a Premises Licence seeks to permit the following Licensable Activities:-

**Sale of Alcohol (Off Sales) 00.01 – 00.00**  
**Late Night Refreshment – 23.00 – 05.00**

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:-

Nothing volunteered

#### 1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy **Appendix 2**

National Guidance **Appendix 3**

**1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS**

**1.5.1 Responsible Authorities:**

**Police**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	15/10/2018	Appendix 4

**Trading Standards**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	24/10/2018	Appendix 5
Supplementary Comments	07/11/2018	Appendix 5a

**Child Protection**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	26/10/2018	Appendix 6
Supplementary Comments	07/11/2018	Appendix 6a

**Environmental Health Pollution**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	17/10/2018	Appendix 7

**Licensing Authority**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	01/11/2018	Appendix 8

**1.5.2 Other Persons:**

**Local Members**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	30/10/2018	Appendix 9

**Residents**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Resident A Initial Representation	19/10/2018	Appendix 10
Resident B Initial Representation	23/10/2018	Appendix 11
Resident C Initial Representation	23/10/2018	Appendix 12

Representation		
Resident D Initial Representation	<b>24/10/2018</b>	<b>Appendix 13</b>
Resident E Initial Representation	<b>24/10/2018</b>	<b>Appendix 14</b>
Resident F Initial Representation	<b>24/10/2018</b>	<b>Appendix 15</b>
Resident G Initial Representation	<b>24/10/2018</b>	<b>Appendix 16</b>
Supplementary Comments	<b>01/11/2018</b>	<b>Appendix 16a</b>
Resident H Initial Representation	<b>30/10/2018</b>	<b>Appendix 17</b>
Resident I Initial Representation	<b>25/10/2018</b>	<b>Appendix 18</b>
Resident J Initial Representation	<b>23/10/2018</b>	<b>Appendix 19</b>

## **1.6 SUMMARY OF REPRESENTATIONS**

The Police and Environmental Health Pollution Officer have indicated that they have no representations in respect of the proposed variation to extend the sale of alcohol and provision of late night refreshment. Both Trading Standards and Child Protection Officers have identified a lack of information contained within the operating schedule and have proposed conditions relevant to Proof of age, staff training and proxy sales of alcohol. The Licensing Authority indicated it had no representations, as its concerns had been addressed by conditions proposed by Trading Standards and Child Protection.

A number of objections have been received from local residents and also the 3 locally elected members for the area. These concerns relate to increased traffic, noise from traffic and patrons, increased crime and disorder, site related 'nuisance' issues and a 'lack of regard to the community/neighbours' given the stores position in a residential area.

Furthermore concern is expressed about a precedent of 24 hour alcohol provision being set in the area and the proposed hours for alcohol and late night refreshment aggravating existing problems being experienced by residents. There appears to be particular emphasis on a perceived lack of control of the outside car park area with 'boy racers' acting anti socially and the potential for the existing position to deteriorate further should any extension to the sale of alcohol times or the provision of late night refreshment.

A number of comments refer to the stores ability to open for 24 hours without the provision of alcohol. At least one respondent appeared find the concept of the store being open 24 hours acceptable but was not in agreement with alcohol being sold throughout this time.

It is noted that 2 residents have submitted comments in support of the proposed variation application.

## 1.7 APPLICANT RESPONSE

The applicant has responded to the comments of the Trading Standards and Child Protection Officer suggesting minor amendments to their proposed conditions, which have been agreed by both Responsible Authorities. To date the applicant is yet to respond to the concerns expressed by local members and local residents.

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Response to Trading Standards	<b>05/11/2018</b>	<b>Appendix 20</b>
Response to Child Protection	<b>05/11/2018</b>	<b>Appendix 21</b>

## 1.8 OBSERVATIONS ON REPRESENTATIONS

The Police and Environmental Health Pollution Officer have responded to the Application and have made no representations to the proposed variation. Trading Standards and Child Protection Officers are satisfied that the conditions agreed with the applicant allay their concerns in respect of the promotion of the Protection of Children from Harm licensing objective. The Licensing Authority in its role as a responsible authority had no representations regarding the proposals to increase alcohol hours and alludes to the fact that the store currently has the ability for 24 hour opening for other goods, albeit without the sale of alcohol.

Whilst the concern expressed by local residents / local members is understandable, it is noted that a number of their concerns or parts of their concerns are not necessarily relevant to the promotion of the licensing objectives or associated to licensable activities i.e sale of alcohol and provision of late night refreshment (sale of hot food or drink) currently undertaken or proposed at the premises.

A number of residents make reference to anti- social behaviour / noise issues by some vehicle users in the car park area. However, there is little within representations received to link or associate this behaviour directly to the sale of alcohol or provision of late night refreshment from the Asda store itself.

A number of concerns raised are noted to be anticipatory in nature about issues which may occur and others relating to increased traffic, the effect on house prices, petrol station usage and creation of jobs will not be a consideration for the licensing sub-committee.

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

In effect the application to vary the premises licence seeks to permit alcohol sales for an additional 6 hours between 0.00hrs to 06.00hrs as current permissions allow trading until midnight. There is also current provision to allow the supply of hot food/drink until midnight.

The licensing authority in its role as a responsible authority recognises that the store could utilise current existing entitlements and open for 24 hours without the sale of alcohol, without recourse to residents or indeed the Responsible Authorities.

The Authority's statement of licensing policy paragraph 13.5 states *'Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to representations from the police, a limitation on licensing hours may be appropriate.'* It is noted that the Police have not made representations to this effect to limit the hours.

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

To date the Responsible Authorities i.e Police / Environmental Health whose remit is the Prevention of Crime and Disorder and Prevention of Public Nuisance have not brought forward any evidence that would support a position to refuse the hours / activities sought.

Paragraph 23.2 of the Authority's licensing policy states *'In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours, unless it is satisfied, following the statutory process prompted by receipt of relevant representations, that there are good reasons based on evidence for restricting those hours.'*

Whilst a number of comments received following the statutory consultation period will have to be disregarded as being not relevant for the purposes of this report i.e the promotion of the licensing objectives. The concerns of residents are noted and residents and Members of the Sub Committee can be reassured that they have been forwarded to the Applicant, the Police and other council departments that deal with anti-social behaviour and nuisance for their attention.

## **1.10 LICENSING ASSESSMENT**

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;
- The protection of 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:-

- National Guidance
- Council's own licensing policy, and
- All representations made evidence presented



The Sub-Committee can: -

- Grant the application subject to any additional conditions specified in the operating schedule and, if appropriate, any mandatory conditions.
- Modify the conditions of the licence by altering, omitting or adding to them
- Reject the whole or part of the application

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 RECOMMENDATION**

Having had regard to and considered the position of the Responsible Authorities and all comments received by local members and residents, it is recommended that the variation to permit the retail sale of alcohol and provision of late night refreshment between midnight and 6.00am be granted subject to the following agreed conditions namely:-

- 1) All staff who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. Following a test purchase failure or similar Licensing issue the documentation of the involved colleagues shall be available for inspection by an authorised officer of the Licensing Authority or a constable.
- 2) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence, military identification and passport.
- 3) Challenge 25 point of sale material shall be displayed at the premises, notifying customers of the operation of the Challenge 25 scheme.

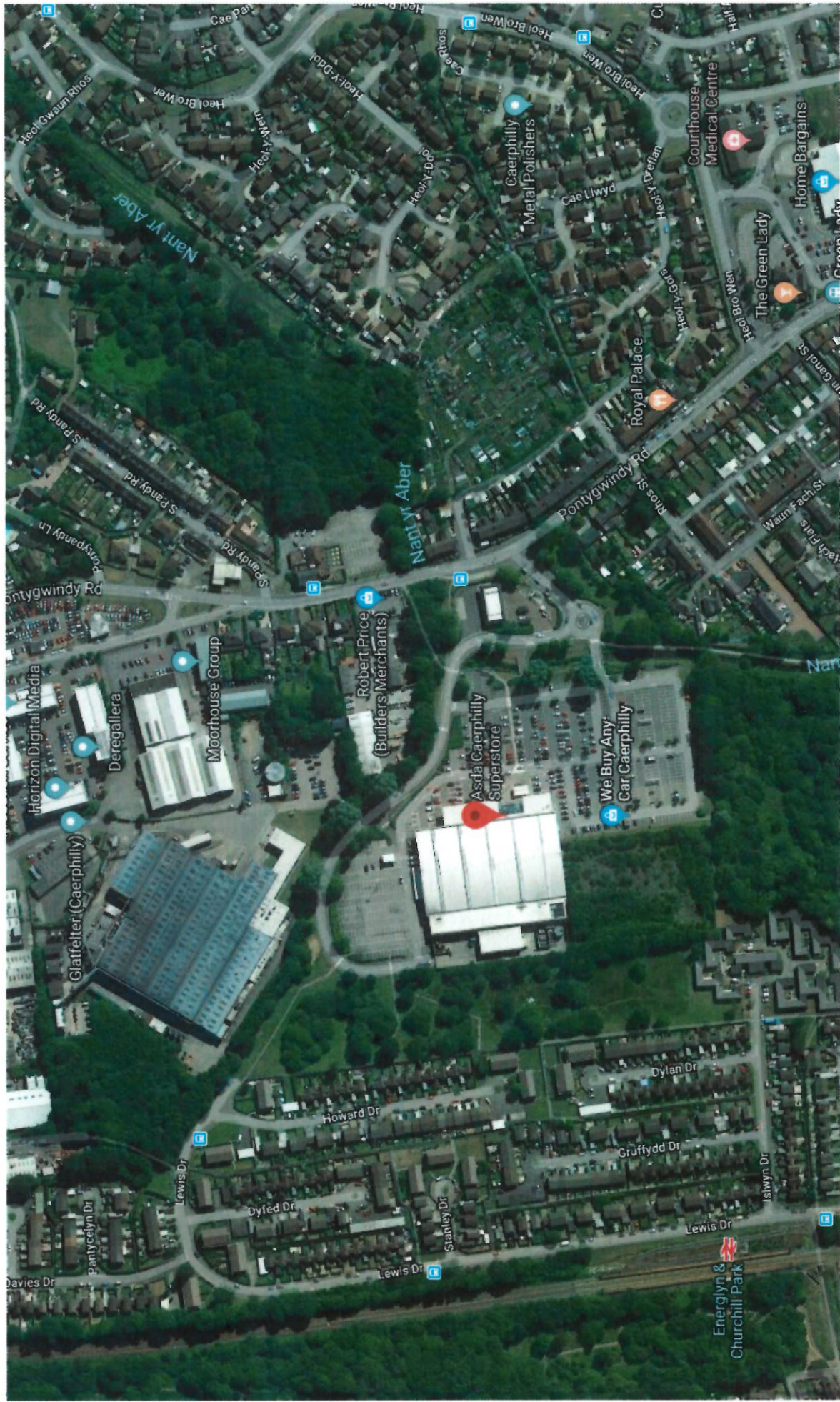
Background Papers: These are attached to this report.

Date of this report: 8<sup>th</sup> November 2018

Author: Lee Morgan – Licensing Manager



Google Maps Asda Caerphilly Superstore



### Caerphilly County Borough Council Licensing Policy Relevant Extracts

1.6 The licensing policy will not seek to regulate matters which are provided for in any other legislation but will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc.

4.3 The Licensing Authority will as far as possible seek to avoid duplication with other regulatory regimes when dealing with the licensing function. Once the discretion of the Licensing Authority is engaged, additional and supplementary conditions to promote the licensing objectives may be attached to a licence.

11.2 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an Operating Schedule, having regard to their particular type of premises and/or activities:

- Effective and responsible management and supervision of premises and associated open areas;
- Appropriate instruction, training and supervision of those employed or engaged.
- Control of opening hours including times for all or part (e.g. garden areas) of the premises (including other times where deliveries take place).
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;
- Liaison with public transport providers;
- Siting of external lighting, including security lighting;

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

13.8 The council recommend that any licensed premises that is authorised to sell or supply alcohol have a policy that sets out how the sale or supply is controlled and must include staff training requirements. Records should be kept of all training provided and any incidents e.g. a refusal to sell and reasons.

14.1 Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

14.2 Subject to case law the Licensing Authority interprets 'public nuisance' in its widest sense, to include such issues as noise, light, odour, litter and antisocial behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

14.3 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.

14.4 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.

14.5 The Licensing Authority recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

18.1 The Licensing Authority will expect applicants to address the licensing objectives in their operating schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community, in order that those with a right to make representations or objections are able to fully assess the factors that may affect them.

18.4 Representations that are not about the likely impact on the licensing objectives may be considered as not being relevant and may be rejected.

23.2 In the absence of any specific reasons linked to the licensing objectives, the Licensing Authority will not seek to restrict licensed retail outlets ability to sell alcohol for consumption off the premises throughout their general trading hours, unless it is satisfied, following the statutory process prompted by receipt of relevant representations, that there are good reasons based on evidence for restricting those hours.

23.6 Where there are relevant representations in respect of an application and the Licensing Committee believes that granting the licensing hours proposed would undermine the licensing objectives, then it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

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

32.1 Where an application for the grant, variation or review of an authorisation is considered by a committee the Council will give comprehensive reasons for its decisions. On making findings of fact in its reasons, the Council will ensure that they address the standard of proof and the burden of proof that they have adopted. The Council will also address the extent to which decisions have been made with regard to its statement of licensing policy and the Guidance issued by the Secretary under section 182.

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

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

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.

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.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

9.42 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.

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.

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

14.44 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.



**Lewis-Williams, Sandra**

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**From:** WestLPALicensingTeam <WestLPALicensingTeam@gwent.pnn.police.uk>  
**Sent:** 15 October 2018 14:07  
**To:** Lewis-Williams, Sandra  
**Cc:** WWW: Licensing  
**Subject:** RE: PRM006 - Asda (Pontygwindy Rd, Caerphilly) slw

Afternoon,

No representations from Gwent Police

Thanks

Dan

PC7 Allen  
Harm Prevention Officer/Licensing  
Caerphilly/Blaenau Gwent/Torfaen

Tel/ Ffon: 01495 238058 Internal/Mewnol: 737 2786  
Mobile /Ffôn symudol :07646653993  
E-mail / E-bost: daniel.allen@gwent.pnn.police.uk  
Address: Ystrad Mynach Police Station, Caerphilly Road, Ystrad Mynach, CF82 7EP  
Cyfeiriad: Gorsaf Heddlu Ystrad Mynach, Fford Caerffili, Ystrad Mynach, CF82 7EP

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**From:** Lewis-Williams, Sandra [mailto:LEWISS1@Caerphilly.Gov.UK]  
**Sent:** 08 October 2018 12:52  
**To:** Brown, Abbie; Dicks, Annette; Fire; Godfrey, Maria; Health Board; Heyworth, Lorraine; Jennings, Kristian; Jones, Simon; Keohane, Tim; Mumford, Gary J.; WestLPALicensingTeam; Pugh, Dean; SRT; Stephens, Tim  
**Subject:** PRM006 - Asda (Pontygwindy Rd, Caerphilly) slw

Please find attached a variation application for the above premises that was received electronically last Friday.

The applicant is applying to extend alcohol hours to 24hr and extend late night refreshment to 05.00 and remove conditions regarding these hours that were applied to this premises licence at a hearing in 2012.

For your information I have also attached the current premises licence

Please note rep end date is 02/11/2018

Regards

**Sandra Lewis-Williams**  
Swyddog Trwyddedu | Licensing Officer  
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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☎ 01443 866750  
✉ [lewiss1@caerphilly.gov.uk](mailto:lewiss1@caerphilly.gov.uk)

**RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS**

**RESPONSIBLE AUTHORITY** (Please delete as applicable) –  
Trading Standards

<b>Name and Address of Applicant</b>	ASDA Stores Limited, ASDA House, South Bank, Great Wilson Street, Leeds, LS11 5AD
<b>Premises</b>	ASDA Superstore, Pontygwindy Road, Caerphilly, CF83 3SX

<b>Your Name</b>	Tim Keohane	<b>Date</b> 24/10/18
<b>Job Title</b>	Senior Trading Standards Officer	
<b>e.mail Address</b>	keohatp@caerphilly.gov.uk	
<b>Contact Telephone Number</b>	01443 811319	

<b>Which of the four Licensing Objectives does your representation relate to?</b>	<b>✓</b>	<b>Please outline the reasons for your Representations</b>
<b>The Prevention of Crime and Disorder</b>		
<b>Public Safety</b>		
<b>The Prevention of Public Nuisance</b>		
<b>The Protection of Children from Harm</b>	✓	<b>The application does not cover staff awareness on the sale of alcohol to over 18s who subsequently supply to those under 18 years of age. Neither does it cover staff training. It is suggested that the operating schedule of the licence can be improved by the addition of the following conditions.</b>

**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><b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b></p>	<p>(SA01)All staff who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable</p> <p>(SA06) Staff will be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.</p>	
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p><b>Yes or No</b></p>	<p>Yes</p>

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

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

**Lewis-Williams, Sandra**

---

**From:** Keohane, Tim  
**Sent:** 07 November 2018 08:10  
**To:** 'Richard Taylor'  
**Cc:** Lewis-Williams, Sandra  
**Subject:** RE: Asda, Pontywindy Road, Caerphilly GTE:0013400003205

Good morning Richard,  
I'm happy to go with your amended SA01 condition.

**Tim Keohane**

Uwch Swyddog Safonau Masnach | Senior Trading Standards Officer  
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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☎ 01443 811319  
✉ [keohatp@caerphilly.gov.uk](mailto:keohatp@caerphilly.gov.uk)

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**From:** Richard Taylor [mailto:RJT@gosschalks.co.uk]  
**Sent:** 05 November 2018 16:45  
**To:** Keohane, Tim  
**Cc:** Lewis-Williams, Sandra  
**Subject:** Asda, Pontywindy Road, Caerphilly GTE:0013400003205

Dear Mr Keohane

I act for Asda Stores Limited and have received a copy of your representation dated 2<sup>nd</sup> October 2018. I note from that representation that you require two additional conditions adding to the premises licence, namely SA01 and SA06.

I have taken instructions from Asda and I am pleased to confirm that these conditions are agreed subject to a slight alteration to the wording of condition SA01. This change follows advice to Asda from its privacy team.

In the circumstances, Asda is prepared to agree the following conditions:-

SA01 - All staff who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. Following a test purchase failure or similar Licensing issue the documentation of the involved colleagues shall be available for inspection by an authorised officer of the Licensing Authority or a constable.

SA06 – Staff will be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

# APPENDIX 6

## Lewis-Williams, Sandra

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**From:** Lewis, Deborah  
**Sent:** 26 October 2018 16:21  
**To:** WWW: Licensing  
**Subject:** Asda CAERPHILLY- Premises Licence Increase in Hours

Hello

Please see my comments below

I have no objections for the license to be extended on the basis of the following:-

All staff have to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

Regards

### Deborah Lewis

Cydlynnydd Diogelu Plant | Child Protection Co-Ordinator  
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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( 01443 864616

[\\*lewisdj1@caerphilly.gov.uk](mailto:*lewisdj1@caerphilly.gov.uk) [lewisdj1@caerffili.gov.uk](mailto:lewisdj1@caerffili.gov.uk)

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**Lewis-Williams, Sandra**

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**From:** Lewis, Deborah  
**Sent:** 07 November 2018 13:51  
**To:** 'Richard Taylor'  
**Cc:** Lewis-Williams, Sandra  
**Subject:** RE: Asda, Pontygwindy Road, Caerphilly

Hello

With regard to amendments stipulated below, I am happy to agree those stated.  
Regards

**Deborah Lewis**

Cydlynnydd Diogelu Plant | Child Protection Co-Ordinator  
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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☎ 01443 864616

✉ [lewisdj1@caerphilly.gov.uk](mailto:lewisdj1@caerphilly.gov.uk) [lewisdj1@caerffili.gov.uk](mailto:lewisdj1@caerffili.gov.uk)

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**From:** Richard Taylor [mailto:[RJT@gosschalks.co.uk](mailto:RJT@gosschalks.co.uk)]  
**Sent:** 05 November 2018 16:46  
**To:** Lewis, Deborah  
**Cc:** Lewis-Williams, Sandra  
**Subject:** Asda, Pontygwindy Road, Caerphilly

Dear Ms Lewis

I act for Asda Stores Limited and have been sent a copy of your e-mail to the Licensing Department requesting conditions. I have taken instructions with regard to whether or not these conditions can be agreed by Asda and am pleased to confirm that the conditions below can be agreed:-

SA01 - All staff who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. Following a test purchase failure or similar Licensing issue the documentation of the involved colleagues shall be available for inspection by an authorised officer of the Licensing Authority or a constable.

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence, military identification and passport.

Challenge 25 point of sale material shall be displayed at the premises, notifying customers of the operation of the Challenge 25 scheme.

You will see that these conditions are slightly different to those that you suggested. The first condition has been changed so that it is specific to members of staff whose duties involve the sale of alcohol. The final sentence has also been amended following advice from Asda's privacy team.

The second condition above has been amended to include military identification.

The third condition has been amended for the sake of clarification and enforceability. All of Asda's Challenge 25 signage, design, volume and placement has primary authority sign off with West Yorkshire Trading Standards and the company is anxious not to deviate from the agreed specifications.

I am sending a copy of this e-mail to the licensing department and would be grateful if you could confirm whether or not you would be prepared to withdraw your representation subject to the imposition of the agreed conditions above upon the variation of the premises licence.

I look forward to hearing from you.

Kind regards

Richard

Richard Taylor | Partner | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ

DD: 01482 590216 | F: 0870 600 5958 | M: 07949 132931 | Switch: 01482 324252 | [www.gosschalks.co.uk](http://www.gosschalks.co.uk)

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# APPENDIX 7

## Lewis-Williams, Sandra

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**From:** Jennings, Kristian  
**Sent:** 17 October 2018 11:13  
**To:** WWW: Licensing  
**Subject:** RE: PRM006 - Asda (Pontyglyndy Rd, Caerphilly) slw  
**Attachments:** ASDA, Pontyglyndy Road.doc

Environmental Health have no objections to the variation application for the above Premises License.

Kind Regards

### Kristian Jennings

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

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☎ 01443 811350  
✉ [jennik@caerphilly.gov.uk](mailto:jennik@caerphilly.gov.uk)

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**From:** Lewis-Williams, Sandra  
**Sent:** 08 October 2018 12:52  
**To:** Brown, Abbie; Dicks, Annette; Fire; Godfrey, Maria; Health Board; Heyworth, Lorraine; Jennings, Kristian; Jones, Simon; Keohane, Tim; Mumford, Gary J.; Police ([WestLPALicensingTeam@gwent.pnn.police.uk](mailto:WestLPALicensingTeam@gwent.pnn.police.uk)); Pugh, Dean; SRT; Stephens, Tim  
**Subject:** PRM006 - Asda (Pontyglyndy Rd, Caerphilly) slw

Please find attached a variation application for the above premises that was received electronically last Friday.

The applicant is applying to extend alcohol hours to 24hr and extend late night refreshment to 05.00 and remove conditions regarding these hours that were applied to this premises licence at a hearing in 2012.

For your information I have also attached the current premises licence

Please note rep end date is 02/11/2018

Regards

### Sandra Lewis-Williams

Swyddog Trwyddedu | Licensing Officer  
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council



**RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS**

**RESPONSIBLE AUTHORITY – Licensing Authority**

<b>Name and Address of Applicant</b>	Asda Stores Limited, Asda House, South Bank, Great Wilson Street, Leeds, LS11 5AD
<b>Premises</b>	Asda Superstore, Pontywindy Road, Caerphilly, CF83 3SX

<b>Your Name</b>	Annette Dicks	<b>Date 01/11/2018</b>
<b>Job Title</b>	Assistant Licensing Manager	
<b>e.mail Address</b>	dicksa@caerphilly.gov.uk	
<b>Contact Telephone Number</b>	01443 866750	

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

<b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b>	<p>The Licensing Authority does not wish to make any Representations in relation to the application to vary the hours for the sale of alcohol. Whilst a number of residents have made reference to 24hour opening, existing entitlement already permits these hours albeit not for the sale of alcohol</p> <p>It is noted that the application does not include proposed conditions as steps to promote the four licensing objectives However representations have been received from both Trading Standards and Local Safeguarding Children Board as Responsible Authorities which would have addressed any of my concerns</p>	
<b>Are you prepared to discuss these representations with the applicant by way of mediation?</b>	<b>Yes or No</b>	N/A

**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

**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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# APPENDIX 9

## Lewis-Williams, Sandra

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**From:** Cllr. Pritchard, James  
**Sent:** 30 October 2018 17:32  
**To:** WWW: Licensing  
**Cc:** Lewis-Williams, Sandra; Cllr. Preece, Denver; Cllr. Cook, Shayne; shelly hodder  
**Subject:** Asda, Caerphilly - 24 Hour Licensing Application

Dear Licensing Department

Over the last couple of weeks we've engaged with local residents to gather views on the 24 hour licensing application from the Asda Superstore, Pontygwindy Road, Caerphilly. This response has been put together after receiving well in excess of 100 comments on our social media page, e mails and telephone calls. We would like to underline our key points and ask for these recommendations to be considered by the licensing committee.

### **Corporate Social Responsibility**

Asda as an organisation have a duty of care to the community in respect of trying to limit anti-social behaviour. If a 24 hour license is granted, then the Asda store would be able to sell alcohol without restriction, meaning people could access the store during the early hours of the morning to buy alcohol. This would be more likely to occur on a Saturday or Sunday morning, and would probably happen after customers had already consumed alcohol in the hours before. The link between alcohol and anti – social behaviour is well – established, so we would be concerned with any unintended consequences that could arise if restrictions on alcohol sale were liberalised. The availability of alcohol is hardly restricted at present, with sale available until 10pm Monday – Saturday. We believe it's perfectly reasonable for people who wanted to pick up alcohol to be able to do so without undue restrictions if the current time period remains in place. In light of our concerns, we would welcome a copy of the Police' response to the prospect of liberalising the hours to sell alcohol at the Asda store.

In the past we've raised the prospect of whether Asda would consider car parking barriers at their store. This has happened at the nearby B&Q store, which we successfully campaigned for. It can not escape the committee's attention that noise disturbance caused by young drivers in the car park (particularly during the summer months) is a problem. We're aware that residents will be bringing this point to the attention of the licensing department, so we would ask the committee to press Asda as to what their mitigating measures will be, should the 24 hour application be granted. For instance, we would recommend extra security during any extended hours.

We understand vehicles are still using the southern end of the car park as a race track (usually 3 to 5 cars), outside of Asda opening hours. Local residents have witnessed this themselves and have raised the concerns with the store, and the Police. We're concerned that 24 hour opening (for the sale of alcohol and hot food) would act as a magnet for drivers wishing to hang around the car park at night, causing loud noise. We would ask the licensing committee to request information from Asda on how they would police mass meetups with the sale of alcohol only a few feet away? In the past, Asda Caerphilly has failed to install basic deterrents, but we understand other stores have installed Automatic Number Plate Recognition cameras to alleviate their issue. This should be raised by members of the committee to Asda during deliberations over the licence.

### **Clarification of time limit of 24 hour trading application**

If granted, the application could be utilised by Asda to open 24 hours a day, 365 days a year. This information has been supplied by Sandra Lewis Williams from the licensing department. We understand an

Asda spokesperson has stated the application will only cover Christmas opening, but we've seen nothing from the store to suggest this is the case. Clarification from Asda on the specific opening hours / days is therefore necessary. For instance, what guarantees can Asda give residents in relation to whether or not they will use the licence all year round, not just for the Christmas period? The licensing application which was posted on a nearby lamp post does not specify any temporary period, which is usually the case with any temporary application.

Also, we're requesting a view from the recognised Trade Union (USDAW) as these changes would mean different working patterns. We would not support any application to extend the hours of operation if the recognised Trade Union, through consultation with their members, cited workload pressures as a reason to oppose the changes.

### **Potential plusses for some people**

We recognise that not everybody likes to shop at peak times, so the extension of opening hours 'could' benefit people with daytime responsibilities or people with recognised mental health conditions that could make shopping during peak hours bring on anxiety. Additionally, residents may find it of use when they run out of things, to have a shop open outside standard trading hours e.g. families without access to transport, or needing medicine or nappies for children. So it could be possible people (with the examples provided) to benefit from increased hours.

### **Creation of jobs**

We're interested in the possibility for job creation if any increase to opening hours is granted by the licensing committee. Can we therefore request further information from Asda on any projections for job creation if longer opening hours are granted?

### **Summary of resident's views**

It's fair to say there's been a difference between the views of local residents living close to the Asda store, and those who live further afield. In general canvassing on Pontygwindy Road and Rhos Street, residents generally expressed reservations with the prospect of 24 hour opening. We've identified a number of these points within the main body of the report, but to re – cap, here they are again;

- Congregation in the car park and a problem with boy – racers.
- Liberalisation on the sale of alcohol could increase ASB.
- An increase in traffic would not be welcomed by local residents.

The arguments in favour of the application as expressed by residents were as follows;

- Beneficial for residents to be able to shop when they like. Giving residents every opportunity to do so would ensure everybody is able to access the shop.
- Potential for job creation. However, this needs to be clarified by Asda.
- The store being open outside of peak hours could benefit residents who prefer to shop when there's less people in the store.

### **Recommendations**

Having considered the application and weighed up the pros and cons, we're outlining our recommendations, which are as follows;

· Given the concerns over the sale of alcohol at every hour of the day, we do not support the extension of alcohol sale. We believe the current restrictions on sale past 10pm are acceptable and therefore ask the committee not to grant increased hours for the sale of alcohol.

· Given the concerns expressed over the sale of hot food and the potential for cars to congregate in the car park late at night, coupled with the potential for litter increase, we would ask the committee not to grant the sale of hot food for every hour of the day.

· If any increase to opening hours is granted we're requesting the licensing committee to mandate Asda to come forward with increased security measures to outline what the store will do to combat anti-social behaviour.

· In recognising the potential benefits of the store increasing its opening hours (not for the sale of alcohol / hot food) based on the majority of views expressed in favour of increased hours, and subject to Trade Union agreement, we would not oppose the increased hours for general household items. The restriction of sales for alcohol and hot food would likely result in only negligible changes. The changes could mean those residents who don't pick up household items during the day, could do so during the increased hours.

Many thanks,

Cllr James Pritchard    Cllr Shayne Cook    Cllr Shelly Hodder  
Morgan Jones Ward    Morgan Jones Ward    Parcycelin Ward, Caerphilly Town Council

**Cllr James Pritchard**

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

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02920 883 257 / 07854 348033  
[jamespritchard@caerphilly.gov.uk](mailto:jamespritchard@caerphilly.gov.uk)

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# APPENDIX 10 - RESIDENT A

**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 19 October 2018 11:17  
**To:** Lewis-Williams, Sandra  
**Cc:** Cllr. Pritchard, James  
**Subject:** Objection.

Good morning Sandra.

With regards to the application by Asda Pontygwindy road for a 24hr Alcohol Licence.

As a resident living in the very close proximity to Asda I would like to make an objection under item 3 of your e-mail to councillor James Pritchard on the 10/10/2018

### 3) The prevention of public nuisance

We already experience anti social behaviour issues in relation to young persons gathering and using the carpark as a race track. I feel that encouraging even more persons to site during the hours of 22.00 - 08.00 on a daily basis will have a severe detrimental impact on the area. As we are already aware of the fact that Policing has been cut to levels that cannot be sustained, and policing is already being prioritised to serious crimes, there will be almost no capacity for the policing of anti social behaviour in this area.

As a resident living in the very close proximity to Asda I would like to make an objection under item 4 of your e-mail to councillor James Pritchard on the 10/10/2018

### 4) The protection of children from harm

We already have a detrimental impact of young persons health in relation to alcohol within the UK, I feel that by extending the licencing hours will only serve to encourage an even greater health risk to even more young persons.

The readily availability of alcohol around the clock can only have a negative impact on the lives of children who's parents seek comfort in reaching for cheap alcohol. All too often, and there is more than enough supportive evidence of the this, is that children within the family home of parents who consume excessive amounts of alcohol have a much poorer lifestyle and are more prone to witness family breakups and even domestic violence. This results in a never ending circle of an issue that appears to be an epidemic within the UK.

Regards.

[REDACTED]



Caerphilly

Caerphilly County Borough Council  
Directorate of the Environment



No.

17/10/2018

Licensing Authority

Date Received 23 OCT 2018

Penallta House

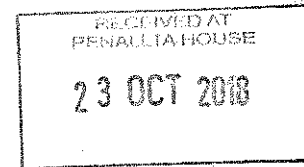
Tredomen Park

Date Answered

CF82 7PG

Referred to

**RE: Asda Stores Limited, Licensing Act 2003 notices**



Dear Sir / Madam,

I'm making my representations concerning the application under the following licensing objectives:

**The prevention of crime and disorder**

**- Inconsiderate or inappropriate use of vehicles**

In the past I have contacted Asda Caerphilly, with no reply, asking them to consider car parking barriers at their store (as B&Q Caerphilly have installed<sup>1</sup>). This is due to the noise disturbance caused by around 60 youngsters gathering in the car park<sup>2</sup>. Although the number of vehicles has decreased, vehicles are still using the southern end of the car park as a race track (usually 3 to 5 cars), outside of Asda opening hours. I have witnessed this myself and further proof is the amount of tyre marks in that area of the car park. The increasing of the opening hours would give them a valid reason to be parked up or engines idling with music being played at anti social levels. How would Asda stop this from becoming the location for mass meetups with the sale of cheap alcohol only a few feet away? In the past,

<sup>1</sup> <http://caerphilly.observer/news/960087/bq-do-it-to-tackle-boy-racers-at-caerphilly-store/>

<sup>2</sup> <http://caerphilly.observer/news/963633/boy-racers-in-asda-car-park-are-making-caerphilly-residents-lives-a-misery/>

Asda Caerphilly has failed to install basic deterrents. I'm led to believe Asda Blackwood installed Automatic Number Plate Recognition cameras to alleviate their issue.

- **Inconsiderate neighbours**

In addition to the problem highlighted in the previous section, noise disturbance is caused every Saturday morning at approximately 06:30 by Asda staff finishing their shift and waiting for the bus on Pontygwindy Road. The level of conversation seems to have no thought for their neighbours who work different hours to themselves. With the extension to 24hrs, the extra staff required and customers can only add to this issue.

### **Public safety**

- **staff and customers using the relevant premises**

Related to the above issue (car park being used like a race track), there is a real danger that cars speeding around the car park would present a danger to staff and customers alike. In addition to this there is already an issue with cars ignoring traffic lights late at night at the junction outside of Asda (especially on weekends).

### **Prevention of public nuisance**

- **Noise**

The notice doesn't mention if the increased opening hours will include the petrol station? If it does, this would increase the traffic noise for the houses within 30 to 50 metres of the petrol station and car washing facilities. Members of staff also send out messages across the tannoy to customers using the pumps. Would this be allowed in certain hours?

The delivery of petrol is not currently an issue but would be if deliveries are to be carried out during unsociable hours.

A seemingly minor issue, a manhole cover on the exit of the car park is loose. Every car on the exit drives over it. This makes a 'clunking' noise which carries across the open space.

This is annoying when boy racers are exiting late at night. This will be made worse when the



store is open 24hrs. It is an issue Caerphilly Council had on Pontygwindy Road and was able to address after being altered to it. Hopefully Asda Caerphilly could address it soon.

Some customers of Asda tend to rev their engines with impatience at the traffic lights that exit the site (especially noticeable with vehicles that have had their exhausts modified). This would have a negative impact on residents during unsociable hours.

#### - **Rubbish and litter**

The area around Asda Caerphilly has always suffered due to the amount of abandoned Asda trolleys<sup>3</sup>. Asda relies on another organisation to collect them. The extended opening hours will contribute to this issue. Has Asda planned for the extra work required of TrolleyWise?

#### **Protection of children from harm**

By allowing the opening of this stores petrol station for 24hrs, 7 days a week, Caerphilly Council would be failing in its obligations under the Well-being of Future Generations (Wales) Act. The health of those children living within the immediate area may be affected. A report by the University of Murcia<sup>4</sup> highlighted the need for "*a minimum distance of 50 metres should be maintained between petrol stations and housing. In the three cases studied a maximum distances of influence of close to 100 metres was found although the average distance of contamination was around 50 metres.*" Obviously the petrol station cannot be put back to its previous position towards the back of the store but limiting the time its open would reduce the effect on local children.

One of Caerphilly Council's Well-being Objectives for 2017-2018 is 'Promote the benefits of an active and healthy lifestyle'. In the councils own words "Success in this priority is to reduce the harm caused by alcohol." I fail to see how making alcohol available for extended hours is contributing to this?. Will Asda staff be checking if the customer purchasing alcohol is in a fit state? (and not allowed to use self service tills?)

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<sup>3</sup> <https://twitter.com/CaerphillyKWT/status/668901904152403973?s=20>

<sup>4</sup> <https://www.telegraph.co.uk/news/health/news/8306786/Living-with-100-yards-of-petrol-stations-damages-your-health-study-claims.html>



**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 23 October 2018 14:44  
**To:** Lewis-Williams, Sandra  
**Cc:** Cllr. Pritchard, James; shayne cook  
**Subject:** Licence application, Asda Stores Limited, Pontygwindy Road

[REDACTED]  
Caerphilly  
[REDACTED]

23rd October 2018

Dear Ms Lewis-Williams,

I wish to object to the recent licence application made by Asda Stores Limited relating to it's store on Pontygwindy Road, Caerphilly, CF83 3SX.

My objection relates specifically to Licencing Objectives 1 & 4: the prevention of crime & disorder; and the prevention of public nuisance. I outline my objections below.

The prevention of crime and disorder.

Permitting the sale of alcohol on a 24 hour basis will exacerbate the existing alcohol fuelled crime in Caerphilly. Providing those who have already consumed too much with the ability to buy more has the potential to make the store a flashpoint for violence and disorder. As the store is in a residential area, it makes it more accessible to those intent on drinking to excess. It places the staff working at the store at increased risk of assault; it increases the risk of criminal damage to both the store and nearby homes; it increases the chance of criminal damage to vehicles; it increases the potential for drink driving; and there is considerable potential for creating general public nuisance.

The prevention of public nuisance.

Anti-social behaviour and its resulting impact on local residents will increase significantly as a result of 24 hour opening. The store's car park already attracts so-called 'boy racers' who use it as a place to meet, race, and rev their engines. We have called the Police about this on more than one occasion. 24 hour opening will have a 'honey pot' effect by attracting more of those intent on this type of behaviour.

The ability to buy things outside of normal hours will make it more attractive as a meeting place more generally, particularly for young people with limited options. While they may not necessarily be intent on deliberately causing a public nuisance, their presence in numbers still has the potential to cause disruption to residents living nearby.

The store is situated on the busy Pontygwindy Road which connects the A468 bypass to the town centre. The evening offers some respite from the traffic noise and pollution. There will inevitably be extra traffic during unsocial hours as a result of 24 hour opening which will potentially cause disruption for those residents trying to sleep.

In summary, I believe that the store's residential location makes it wholly unsuitable for a 24 hour opening and alcohol licence. Dealing with the consequences of such a licence would also place an additional burden on our already overstretched emergency services, particularly the Police.

For these reasons, I urge Caerphilly County Borough Council to reject this licence application.

Yours sincerely,

A solid black horizontal oval shape, used to redact the signature of the sender.

## APPENDIX 13 - RESIDENT D

**Lewis-Williams, Sandra**

---

**From:** [REDACTED]  
**Sent:** 24 October 2018 06:39  
**To:** WWW: Licensing  
**Subject:** Asda 24 Hour - Feedback

Good Morning,

I'd like to provide my views in response to the Morgan Jones Labour Facebook post regarding Asda and it's 24 hour opening hours and licensing application.

I think being open for 24 hours would be positive as there isn't another supermarket service like this currently in the local area.

I do however have reservations about the sale of alcohol moving to 24 hours and I'm concerned about the amount of trouble this might attract to the immediate and surrounding areas.

Would it be possible for Asda to open 24 hours, but the sale of alcohol to be stopped at 11pm or 12pm.

Many thanks, [REDACTED]

Sent from my iPhone

**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 24 October 2018 12:50  
**To:** WWW: Licensing  
**Subject:** 24 hour licensing at ASDA Caerphilly

Hello, I am concerned about the proposal to make alcohol and refreshments available at the ASDA store off Pontygwindy Road every day of the year for 24 hours each day. In recent years residents of [REDACTED] like myself have noticed an increase in bad behaviour amongst the youth, that has been extremely worrying, including increased drug-taking and other antisocial actions, plus a worsening attitude towards residents that makes us feel nervous about accessing the ASDA area at certain times of the day.

About two weeks ago I was intimidated and ridiculed by two young men behaving badly on the route I would normally take home from the store. As a regular shopper at the store for more than 20 years I reconsidered whether I wanted to go there any more, and in fact avoided the whole area for a few weeks until my confidence returned. Speaking to another resident about this she told me that she was nervous of approaching the area and would these days never go there alone via the wooded lane approach after dark.

I can only think 24 hour access to alcohol at the store is going to increase antisocial behaviour in this whole area and compromise all our safety at many levels. In the interests of preserving the quality of community experience in [REDACTED] and surrounding areas I would like to register my protest in the strongest terms to this proposal.

Many thanks,  
[REDACTED]

# APPENDIX 15 - RESIDENT F

**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 24 October 2018 22:21  
**To:** WWW: Licensing  
**Subject:** Objection to proposed 24 opening hours of Asda on Pontygwindy Road

My partner and I have strong feelings about Asda's proposed 24 hour opening, including the sale of alcohol. Pontygwindy Road is already a busy thoroughfare and a source of constant noise. We're concerned that the increase of traffic will cause further traffic problems and noise throughout the night. Many drivers already treat the road as a racing track in the late evening and at various times throughout the night and this proposed measure by Asda will only aggravate the problem. Finally, we're concerned that the sale of alcohol will cause further problems: after pub closing time we're frequently subjected to the noise of late-night revellers, often into the early hours of the morning. We fear that this will make a bad situation even worse.

[REDACTED]

Lewis-Williams, Sandra

---

**From:** [REDACTED]  
**Sent:** 24 October 2018 23:13  
**To:** WWW: Licensing  
**Subject:** Fwd: Opposition to Asda going 24hr

Hello,

I've been advised this is the email I need to raise my concerns with regarding Asda applying to be 24hrs.

Please see my opposition email below.

Thanks,  
[REDACTED]

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Sat, 20 Oct 2018 at 21:46  
**Subject:** Opposition to Asda going 24hr  
**To:** Cllr. Cook, Shayne <COOKS3@caerphilly.gov.uk>, Cllr. Pritchard, James <pritchj@caerphilly.gov.uk>  
**Cc:** [REDACTED]

Hello,

I've had your leaflet through the door and wanted to put in writing our opposition to Asda applying to be a 24hr supermarket, for the following reasons:

1. Given the history Asda have with unfavourable use of their car park (boy racers), we fear it will only encourage this to happen - there's a long history of them using the Asda car park for rally's, and Asda have never really shown that they're prepared to do anything about it, or that they care. As I'm writing this, boy racers are zooming up and down the road insanely loud. Asda opening for 24 hrs will only ENCOURAGE more traffic, and most likely, more traffic like that.
2. We worry that Asda getting a 24 hr license will set the precedent for the pubs either side of us to also request 24 hr licences (The Green Lady and The Pontygwindy), encouraging drunks and anti-social behaviour in a residential area with lots of families. The fact that Asda have even applied for this, shows how little they care about the residential community they're nestled in.
3. There will be increased traffic to Pontygwindy Road through the night, which is currently very quiet - what are they going to do to mitigate that? They've already proven they don't care from the issue with the boy racers and their willingness to do nothing.
4. What effect will it have on our house prices? Asda NOT being 24 hr was something that helped us make the decision to put an offer on this house. Had it been 24 hr, we'd have never considered it, given that would encourage more traffic, more drunk people and anti-social behaviour.

Asda **must not** be granted this license, it would be irresponsible. They aren't on an industrial estate, or in the middle of nowhere, they're surrounded by residential houses and have a duty of care and responsibility to the community. I'm pretty appalled they've even applied for this, it just shows how little they care.



Should I also contact the body responsible for this licensing to show my opposition?

Thanks,

[REDACTED]

[REDACTED]

--

Thanks,

[REDACTED]

[REDACTED]

**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 01 November 2018 21:21  
**To:** WWW: Licensing  
**Subject:** Opposition to Asda 24hr license

Hello,

I wrote to you about a week ago to log our opposition to Asda's application for a 24 hr license for hot food and alcohol. My husband and I have been discussing it this week, and after reading the email from the local councillors, we have more concerns we'd like to make.

This isn't a demand residents have made, we haven't asked for Asda to be 24 hr, Asda have asked for this, and with little to no regard for their community/neighbours.

If there is a need for a 24hr supermarket, a more appropriate location would be the Tesco on the industrial estate at Gallagher retail park, not in the middle of a residential area. Having Asda with a 24 hr license would also increase pollution on Pontygwindy Road from the extra customers and deliveries, giving no respite from the pollution for local residents, which we do currently get in the evenings and overnight.

The convenience of someone wanting to buy some crisps, or plates, or whatever, in the middle of the night, shouldn't trump mine and my children's right to a peaceful nights sleep.

One of the major footpaths to Asda is through the Glyn Derw sheltered housing, should retirement aged people have to put up with increased footfall every night, and possible anti social behaviour when they're already vulnerable?

We feel any relaxation of the licensing around Asda's opening hours will pave the way to other establishments requesting similar trading hours, in the area.

We're asking that the request for the Asda licence to be extended to 24 hrs is wholly rejected. We urge you to think of the people whom this would actually effect, the people living around the supermarket and our children. We also urge you to reject the councillors recommendations as they are in support of a general extension of hours.

We'd also like to reiterate that Asda are NOT in an industrial estate, it's borders are the borders of people's homes, their gardens, their bedrooms.

Please think of the minority of us, who would have to endure the majority of the disruption.

[REDACTED]

Thanks,

[REDACTED]

[REDACTED]

# APPENDIX 17 - RESIDENT H

**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 30 October 2018 12:04  
**To:** WWW: Licensing  
**Subject:** 're asda 24 hr license

I object to this application. Opening 24 hours will create more traffic and noise which for nearby residents is unacceptable. The selling of alcohol throughout the night will attract undesirables that will be noisy and unwelcome. The side streets opposite asda already have problems with vandalism of cars and opening a 24 hour alcohol store opposite is only going to add to the problems.

As a house owner I also am concerned about the value of properties being devalued as a result.

I am surprised that this application has been made without notifying residents. We were notified by our local councillors which I am sure is not the correct procedure.

[REDACTED]

Sent from my Samsung Galaxy smartphone.

# APPENDIX 18 - RESIDENT I

**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 25 October 2018 17:36  
**To:** WWW: Licensing  
**Subject:** Asda 24hr opening

As a resident living across the road from Caerphilly Asda I would like to voice my support for extending the opening hours to 24 hours opening.

Kind regards

[REDACTED]  
[REDACTED]  
Caerphilly  
[REDACTED]

Sent from AOL Mobile Mail  
Get the new AOL app: [mail.mobile.aol.com](mailto:mail.mobile.aol.com)

# APPENDIX 19 - RESIDENT J

**Lewis-Williams, Sandra**

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**From:** [REDACTED]  
**Sent:** 23 October 2018 13:26  
**To:** WWW: Licensing  
**Subject:** Variation of hours at ASDA, Caerphilly

Hi all,  
I would like to voice my support for the application by ASDA to extending the hours for the selling of alcohol and hot food/drink.

Thanks,  
[REDACTED]

## APPENDIX 20

### Lewis-Williams, Sandra

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**From:** Richard Taylor <RJT@gosschalks.co.uk>  
**Sent:** 05 November 2018 16:45  
**To:** Keohane, Tim  
**Cc:** Lewis-Williams, Sandra  
**Subject:** Asda, Pontygwindy Road, Caerphilly GTE:00134000003205

Dear Mr Keohane

I act for Asda Stores Limited and have received a copy of your representation dated 2<sup>nd</sup> October 2018. I note from that representation that you require two additional conditions adding to the premises licence, namely SA01 and SA06.

I have taken instructions from Asda and I am pleased to confirm that these conditions are agreed subject to a slight alteration to the wording of condition SA01. This change follows advice to Asda from its privacy team.

In the circumstances, Asda is prepared to agree the following conditions:-

SA01 - All staff who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. Following a test purchase failure or similar Licensing issue the documentation of the involved colleagues shall be available for inspection by an authorised officer of the Licensing Authority or a constable.

SA06 – Staff will be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

In the circumstances, I would be grateful if you could confirm whether or not you are prepared to withdraw your representation subject to the imposition of these conditions upon the variation of the licence.

I look forward to hearing from you.

Kind regards

Richard

Richard Taylor | Partner | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ

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**Lewis-Williams, Sandra**

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**From:** Richard Taylor <RJT@gosschalks.co.uk>  
**Sent:** 05 November 2018 16:46  
**To:** Lewis, Deborah  
**Cc:** Lewis-Williams, Sandra  
**Subject:** Asda, Pontywindy Road, Caerphilly

Dear Ms Lewis

I act for Asda Stores Limited and have been sent a copy of your e-mail to the Licensing Department requesting conditions. I have taken instructions with regard to whether or not these conditions can be agreed by Asda and am pleased to confirm that the conditions below can be agreed:-

SA01 - All staff who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. Following a test purchase failure or similar Licensing issue the documentation of the involved colleagues shall be available for inspection by an authorised officer of the Licensing Authority or a constable.

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence, military identification and passport.

Challenge 25 point of sale material shall be displayed at the premises, notifying customers of the operation of the Challenge 25 scheme.

You will see that these conditions are slightly different to those that you suggested. The first condition has been changed so that it is specific to members of staff whose duties involve the sale of alcohol. The final sentence has also been amended following advice from Asda's privacy team.

The second condition above has been amended to include military identification.

The third condition has been amended for the sake of clarification and enforceability. All of Asda's Challenge 25 signage, design, volume and placement has primary authority sign off with West Yorkshire Trading Standards and the company is anxious not to deviate from the agreed specifications.

I am sending a copy of this e-mail to the licensing department and would be grateful if you could confirm whether or not you would be prepared to withdraw your representation subject to the imposition of the agreed conditions above upon the variation of the premises licence.

I look forward to hearing from you.

Kind regards

Richard

Richard Taylor | Partner | Licensing

Gosschalks, Queens Gardens, Kingston Upon Hull, HU1 3DZ



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