



## LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON  
FRIDAY 15TH JANUARY 2021 AT 10.00 A.M.

PRESENT

Councillor J. Simmonds – Vice-Chair (Presiding)

Councillors:

P.J. Bevan, W. Williams

Together with:

L. Morgan (Licensing Manager), M. Wallbank (Senior Solicitor), K. Hopkins (Senior Licensing Officer), R. Barrett (Committee Services Officer)

### **Representing the Applicant**

Mr A. Xavier

### **Representing Gwent Police**

PC K. Williams (Gwent Police)

### **Representing Trading Standards**

T. Keohane (Senior Trading Standards Officer)

### **Representing Other Persons**

Councillor N. Dix (Blackwood Local Ward Member)

## **INTRODUCTION AND RECORDING ARRANGEMENTS**

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

### **1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A. Farina-Childs (Blackwood Local Ward Member) and Mr H. Edwards (local business owner).

### **2 DECLARATIONS OF INTEREST**

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

### 3 DETERMINATION OF PREMISES LICENCE APPLICATION - CLARENCE FOOD & WINE, 88 HIGH STREET, BLACKWOOD, NP12 1AE

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

Mr Lee Morgan (Licensing Manager) presented the report and outlined the application submitted by Mr A. Xavier for a new premises licence for Clarence Food and Wine located at 88 High Street, Blackwood. It was noted that as part of the hours applied for in the initial application, Mr Xavier had sought to permit off-sale of alcohol between the hours of 07.00 – 01.00 Friday & Saturday. However, following representations received, the applicant subsequently modified his application to **Supply of Alcohol (Off Sales only)** Monday – Sunday 07.00 – 22.00. A number of steps had also been volunteered by the applicant as part of the Operating Schedule, to promote the Licensing Objectives, and were set out in the report.

During the consultation process, representations were received from Gwent Police and Trading Standards who advocated conditions which were accepted by the applicant, and these Responsible Authorities were subsequently satisfied with the applicant's ability to promote the Licensing Objectives. Relevant representations were also received from two local ward members, two local residents and a local business owner and full details were appended to the Officer's report.

It was noted that since the preparation of the report, one local resident (Mr Llewellyn) had withdrawn his representation in view of the above modification. The other local resident (Mr Bennett) had confirmed he did not wish to attend and his comments were included in the meeting papers for Members' consideration. Furthermore, Mr Edwards (local business owner) had given apologies for the meeting but had indicated he would be satisfied with the modified hours. Councillor Farina-Childs (Blackwood Local Ward Member) had also given apologies and it was noted that his concerns would be relayed via the Licensing Manager later in the meeting.

Attention was drawn to the local policy considerations as set out in the report and to the way in which the Sub-Committee would deal with the application. Members were referred to the recommendation set out in the Licensing Manager's report, which recommended that the application for a premises licence be granted for off-sales of alcohol between the hours of 07.00 - 22.00 Monday to Sunday, subject to the conditions in the report.

All parties present were afforded the opportunity to ask questions of the Licensing Manager. A Member asked if the proposed CCTV condition could be strengthened to state that images must be of a good quality in order to clearly identify persons of interest on the footage. Following discussion, it was confirmed that this could be added to the condition if the Sub Committee were minded to do so, although it was emphasised that the reliability of CCTV imagery also depends on other factors such as camera positioning.

Representations were then invited from the applicant, Mr Alex Xavier.

Mr Xavier summarised his application and confirmed that high quality 4K resolution CCTV would be installed at the premises, and that all staff would be appropriately trained in licensing requirements to enable them to carry out their duties. Mr Xavier responded to general queries from the Sub Committee regarding the premises layout and staffing arrangements and confirmed that he was in agreement with the proposed conditions. A Member enquired as to the intended customer base, given that most stores on the High Street close at 5.30 p.m. Mr Xavier explained that this would comprise of local residents and shoppers in the area.

Representations were then invited from Responsible Authorities.

PC Karina Williams confirmed that Gwent Police had made representations as set out in the

meeting papers and had objected to the proposed closing time of 1.00 a.m. on Friday and Saturday, as they were concerned that this had the potential to exacerbate existing anti-social behaviour in the town centre. Having discussed these concerns with the applicant, Gwent Police confirmed that should these hours be reduced to 11.00 p.m., they would withdraw their objection. Gwent Police also proposed a number of conditions as set out in the report to assist in meeting the 4 Licensing Objectives.

In response to queries from the Sub Committee around CCTV, PC Williams confirmed that any images should be of an appropriate standard, and that if CCTV was requested from the premises and found to be substandard, then this matter would be addressed with the applicant. However, it was emphasised that if perpetrators are wearing disguises to hide their faces, then this is outside the control of the premises. PC Williams also confirmed that Gwent Police had objected to the premises closing at 1.00am but were satisfied with a closing time of 11.00 p.m. or earlier.

Representations were then invited from Trading Standards. Mr Tim Keohane (Senior Trading Standards Officer) confirmed that his representation advocated conditions to improve staff awareness around underage sales and strengthen the Licensing Objective relating to the Prevention of Children of Harm, which were accepted by the applicant.

There were no questions received for Trading Standards and representations were then invited from Other Persons.

Councillor Nigel Dix (Blackwood Local Ward Member) summarised his objections to the application in view of anti-social behaviour hotspots in Blackwood which are fuelled by alcohol, particularly around pub closing times. He emphasised that the majority of other off-licences in Blackwood close at 10.00 p.m. and that the application in its original form could set a precedent for closing times in the area and lead to an increase in anti-social behaviour. Councillor Dix also expressed concerns about those dependent on alcohol having additional opportunity to purchase alcohol if the premises was open to 1.00 a.m.

All parties were afforded the opportunity to ask questions, and Councillor Dix confirmed that he objected to a 1.00 a.m. closing time and that 11.00 p.m. was still not sufficient, but that it was felt by both himself and local residents that 10.00 p.m. would be a sensible and satisfactory compromise.

The Licensing Manager then summarised the representation from Councillor Andrew Farina-Childs (Blackwood Local Ward Member) who had objected to the premises licence being granted to 11.00 p.m. due to concerns that this could increase anti-social behaviour in the area. It was noted that the Member had also suggested that a precedent could be set by the granting of any licence past 10.00 p.m. and had asked for the Sub Committee to consider Welsh Government Tier 4 guidance around 10.00 p.m. closing times.

The Sub Committee were reminded that the Licensing Act 2003 entitles the applicant to seek any time of their choosing for the supply and sale of alcohol and that the Tier 4 guidance only relates to the current Covid-19 provisions in place. The Sub Committee were also reminded that the applicant had agreed to amend his closing hours to 10.00 p.m. and on this basis, the concerns of Councillor Farina-Childs had been addressed.

The Licensing Manager also summarised the representations of Mr Bennett (local resident) and Mr Edwards (local business owner) who were not in attendance and explained that Mr Edwards was satisfied with the application on the basis of the amended opening hours to 10.00 p.m. The Licensing Manager also referred to Councillor's Dix's earlier point regarding other premises along Blackwood High Street and explained that some of these premises might have permission to operate to 11.00 p.m. but instead choose to close at 10.00 p.m.

All parties were afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision. The Licensing Manager, Responsible Authorities,

Local Ward Member and Mr Xavier summarised their representations to the Sub Committee.

Before the Sub Committee retired, the Legal Advisor drew attention to the aforementioned precedent and explained that the granting of premises licenses does not set a precedent, as each application is judged on its own merits. There is no cumulative impact assessment in place for the local area, but premises are expected to have control over the behaviour of its customers. The Legal Advisor also clarified the proposed wording in respect of the CCTV condition to include the wording “a good quality image” and recommended that Condition SA06 proposed by Trading Standards be removed from the advocated conditions, as underage sales are prohibited by law in any event.

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

The Sub Committee retired at 11.10 a.m. to make its decision and all other parties left the meeting.

Following consideration of the application for the grant of a new premises licence for Clarence Food & Wine, 88 High Street, Blackwood, NP12 1AE, and having regard to the Licensing Manager’s report and all the representations made, the Licensing and Gambling Sub Committee unanimously

RESOLVED that the application be granted in accordance with the operating schedule set out at section 1.3 of the Licensing Officer’s report (Supply of Alcohol (Off Sales only) Monday – Sunday 07.00 – 22.00 and subject to the conditions set out at section 1.10 of the Licensing Officer’s report and appended to these minutes, with the addition of the wording “a good quality image” to Condition 1.

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

The Sub Committee noted that discussions had taken place following the Applicant’s original application and in response to concerns raised, the Applicant had revised his application to agree to a terminal hour for alcohol sales of 22:00 Monday-Sunday, which alleviated the concerns of almost all of the objectors. The Applicant had also agreed to the recommended conditions as set out in the Licensing Manager’s report, save for the addition of the words “a good quality image” in Condition 1.

The Panel were satisfied that the revised operating schedule together with the aforementioned conditions, would be satisfactory in order to promote the Licensing Objectives set out in the Licensing Act 2003 and the Section 182 Guidance.

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

The meeting closed at 12.15 p.m.

**Conditions applicable to the grant of the licence as per Section 1.10 of the Licensing Manager's report (addition to Condition 1 in bold):**

1. CCTV shall be in use at the premises.

Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the date the licence is granted.

The CCTV equipment shall be maintained in good working order and continually record a **good quality image** when licensable activity takes place and for a period of two hours afterwards.

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;

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

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

The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;

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

2. There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises.
3. Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity.
4. An incident report logbook shall be held at the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and final outcome of the situation.
5. All refusals will be kept in a refusals book detailing the time, date, the goods, the staff member and the name of the persons who tried to purchase. If no name is given, then a good description will be recorded. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
6. Rowdy and/or disorderly customers will be asked to leave the premises.

7. All staff/members who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable
8. (a) 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.  
  
(b) Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.