

# Pecyn Dogfennau Cyhoeddus

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

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



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett  
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

**Dyddiad: Dydd Mercher, 28 Ebrill 2021**

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Is-bwyllgor Trwyddedu a Gamblo** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Llun, 10fed Mai, 2021** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n bresennol ac/neu sy'n siarad yn ystod ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor yn [www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR

## A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I dderbyn ac ystyried yr adroddiad canlynol:-

- 3 Penderfynu Ar Gais Am Drwydded Eiddo - Gorsaf Wasanaethau Bargod, Gwerthonor Place, Gilfach, Bargod.

1 - 40

### **Cylchrediad:**

Cynghorwyr D.W.R. Preece (Cadeirydd), P.J. Bevan a W. David

A Swyddogion Priodol

### **SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk). ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## LICENSING AND GAMBLING SUB COMMITTEE – 10TH MAY 2021

**SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION**

**REPORT BY: LEE MORGAN LICENSING MANAGER**

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### 1. Application Details –Bargoed Service Station Limited

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Bargoed Service Station Limited	Bargoed Service Station Gwerthonor Place Gilfach Bargoed CF81 8JP	Variation of Premises licence

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

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

The applicant Bargoed Service Station Limited currently holds a Premises Licence which permits the sale of alcohol between the hours of 07.00hrs until Midnight. The opening hours as specified on the licence currently reflect 05.00hrs until 01.00am.

#### 1.2 Site Plan/Photographs

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

#### 1.3 Proposed variation to Trading Times and Licensable Activity

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

- **Supply of Alcohol (Off Sales only)**  
Monday – Sunday inclusive, 24 hours a day.
- **Late Night Refreshment (Sale of hot food/drink)**  
Monday – Sunday inclusive, 2300 hours to 0500 hours

Furthermore, the application seeks to remove all embedded conditions, remove Annex 2 & 3 Conditions and replace those conditions with new updated conditions. An updated plan of the premises has also been provided.

- 1.3.1** The following steps have been volunteered by the applicant as part of the Operating Schedule, to promote the Licensing Objectives, and are reproduced directly from the application:-
1. A digital CCTV system will be installed, or the existing systems maintained, such systems to be fit for purpose and to be to the reasonable satisfaction of the Police. Cameras will be located internally and externally and will record in any lighting situation.
  2. The CCTV system shall be capable of producing copies on site. Copies of recordings will either be recorded digitally onto CD/DVD or other equivalent medium and will be produced to an evidential standard.
  3. Any recording will be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available, subject to Data Protection legislation, to the Police for inspection upon reasonable request.
  4. The precise location of the cameras may be agreed, subject to compliance with Data Protection legislation, with the Police from time to time.
  5. The system will display, on any recording, the correct time and date of the recording.
  6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. Appropriate notices will be displayed prominently advising customers that the premises are covered by CCTV cameras.
  7. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
  8. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer, unknown to them as a person aged over 18 years, and attempting to purchase alcohol, who also appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold the alcohol, appropriate identification. Appropriate identification would be a valid passport, photo-card driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.
  9. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age related sales:
    - a) Written induction training which must be completed and documented prior to the sale of alcohol by the staff member.
    - b) Written refresher/reinforcement training at intervals of no more than twelve months.
    - c) Training records will be available for inspection by a Police Officer or other authorised officer upon reasonable request.
  10. All cashiers shall be trained to record refusals of sales of alcohol in a refusal book/register. The book/register will contain:
    - a) Details of the time and date the refusal was made.

- b) The identity of the staff member refusing the sale.
  - c) Details of the alcohol the customer attempted to purchase.
  - d) This book/register will be available for inspection by a Police Officer or other authorised officer on request.
11. The entrance door to the shop will be closed to customers between the hours of 23.00 & 05.00 (the doors can be closed earlier should the licence holder so elect). Any sales between these hours will be made through the night pay window.
  12. Appropriately worded signage will be prominently displayed requesting customers leaving the premises at night to respect local residents.
  13. Appropriate alcohol related signage regarding underage sales, proxy selling & Challenge 25 will be displayed prominently.
  14. The premises will install an electronic shunt lock which can be operated remotely from behind the serving counter.
  15. The premises will introduce till prompt system to help remind staff to ask for ID when appropriate to do so.
  16. Between the hours of 23.00 & 05.00 hours the pumps nearest the road will be switched off and then coned off.
  17. Areas of the forecourt not deemed necessary for use between 23.00 & 05.00 hours will be coned off.
  18. No external illumination will be left on between the hours of 23.00 & 05.00 hours 7 days a week except for lighting connected to site safety, the Pole sign and the shop fascia signage.
  19. Spirits will only be displayed behind the counter and will not be self service.
  20. Alcohol will not be displayed within 5 metres of the store entrance.
  21. A direct telephone landline number for the business will be displayed in a prominent location should a member of the public wish to raise a concern.

1.3.2 The Embedded conditions referred to above are reproduced for Members information as **Appendix 2**. The conditions referred to in Annex 2 & 3 are reproduced for Members information as **Appendix 3**.

#### 1.4 **RELEVANT CONSIDERATIONS**

Caerphilly County Borough Council Licensing Policy **Appendix 4**

National Guidance **Appendix 5**

#### 1.5 **RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS**

##### 1.5.1 **Responsible Authorities:**

The Local Health Board, Fire Service and Environmental Health have responded to indicate no representations in respect of the application.

Gwent Police responded with representations, advocating the applicant amend the application to incorporate a number of conditions. The Licensing Authority in role as Responsible Authority confirmed that they had no representations but that they supported the Gwent Police representations.

The Police Representations are reproduced for Members information as **Appendix 6**.

### 1.5.2 Other Persons: Local resident

There has been one resident objection received during the 28 day consultation period for the variation application.

Document	Date Received	Appendix Reference
<b>Resident Objection</b>	<b>12/4/2021</b>	<b>Appendix 7</b>

The resident expressed concern in respect of the potential of noise from vehicles engines using the premises and from music. Concern was also expressed in relation to potential rowdy behaviour and littering at the site. Reference was made to the potential for Anti-Social Behaviour, if greater alcohol hours were permitted at the site.

## 1.6 SUMMARY OF REPRESENTATIONS

There have been responses from the Local Health Board, Environmental Health Officer and Licensing Authority in role as Responsible Authority to indicate no representations in respect of the proposed variation of the premises licence.

A local resident has lodged an objection to the variation application for additional hours in respect of provision of alcohol and that of late-night refreshment. Concern is expressed in relation to potential rowdy behaviour and littering at the site. Reference was made to the potential for Anti-Social Behaviour being exacerbated, if greater alcohol hours were permitted at the site.

The resident details occasions currently where occupants of vehicles play loud music and leave engines idling and subsequently use excessive speed and cause noise when exiting the petrol station.

Further comment is made about the increased ease of availability of alcohol and implications for health generally should the application be approved

Representations have also been received from Gwent Police who advocate the imposition of conditions as opposed an objection in relation to the variation application.

The Police commented that with the enhanced licensable hours this would be likely to increase the likelihood of a disturbance within the nearby residential vicinity. They indicated a concern for the potential for people to congregate outside the premises in the early hours which could also cause a disturbance within the vicinity which consists predominantly of residential properties.

Gwent Police advocated the following additional conditions:

1. The premises supervisor, manager or other competent person shall manage all areas to ensure that customers do not behave in a noisy, rowdy or offensive manner.
2. The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

In addition to the above, the Police advocated amendment to the proposed operating schedule by the applicant in particular those relating to proposed conditions 1 – 10,

and 12 – 13 in order to strengthen the operating schedule to allow for the safe and responsible trading of the business and to support the four licensing objectives during these extra hours.

The proposed amended wording conditions are reflected below.

1. CCTV shall be in use at the premises.
  - (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by the date the licence is granted and the system be fully operational on that date;
  - (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place;
  - (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
  - (iv) The correct time and date will be generated onto both the recording and the real time image screen;
  - (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
  - (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
  - (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during opening hours.

The CCTV system shall include all external areas of the premises.

2. All staff 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.
3. 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.

4. The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times records should be kept for a minimum of 12 months and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
5. All staff with a responsibility for supplying or selling alcohol shall 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.
6. The premises licence holder, premises supervisor or event manager, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.
7. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

## **1.7 APPLICANT RESPONSE**

Document	Date Received	Appendix Reference
<b>Response to Police Representations</b>	<b>9/4/2021</b>	<b>Appendix 8</b>

The applicant has responded and accepted the representations of Gwent Police. No response to date has been received in relation to the comments of the resident objector.

## **1.8 LICENSING ASSESSMENT**

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



- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm

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

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

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

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

## **1.9 OBSERVATIONS**

This variation application seeks to increase the permitted sale of alcohol provision making alcohol available 24hrs a day, whereas the current permitted hours allow the sale of alcohol between 07.00hrs until Midnight. The application also seeks to introduce late night refreshment i.e the sale of hot food or drink, authorisation for this provision is required between the hours of 23.00hrs until 05.00hrs.

The application also seeks to reflect the change of layout to the interior of the premises, which is supported by submission of an amended plan. In addition, the applicant seeks to remove some embedded conditions which are now largely superfluous or outdated and to also update its operating schedule.

Following the 28 day consultation on the variation application, one objection has been received from a local resident. The resident expresses concern about the potential for anti social activities in respect of the operation of the Service station and car wash facility and alludes to current issues experienced with connected to vehicles and their occupants in respect of vehicle noise and loud music and the potential for this to increase into the night time. The resident is noted to reside in close proximity to the premises.

Paragraph 28.21 of the council's licensing policy details *'Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.'*

It is unclear from the resident comments to date whether there is a link to the behaviour described above to any licensable activity i.e sale of alcohol or whether the behaviour is linked to use of the petrol station or the shop for other goods. Subject to any planning considerations, the premises can legitimately offer the sale of fuel and other goods such as food / confectionary on a 24 hour basis.

The lack of comments from Responsible Authorities (RA's) in particular Environmental Health Officers would indicate that they are satisfied with the applicant's ability to promote the licensing objectives, having raised no concerns or confidence in management issues in respect of the applicant or indeed the application submitted.

Neither the Police or other Responsible Authorities e.g Environmental Health reference any existing anti-social behaviour emanating from the site or in the vicinity. Ancillary information held on the Public Protection database indicates the absence of any complaint history in respect of vehicular noise, music or anti-social behaviour attributed to the site.

Advice is offered in relation to hours within the Section 182 Home Office National Guidance Paragraph 10.14 states:

*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.*

Paragraphs 10.1 and 10.2 of the Council's licensing policy details that '*Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.*'

*'The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business.'*

Officers are aware that prior to the application for Variation that was submitted, that a licensing consultant representing the applicant engaged with some of the Responsible Authorities and undertook a pre application site visit to the premises. Paragraph 10.3 of the Council's licensing policy details '*Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.*

Gwent Police have acknowledged the likelihood for disturbance within nearby residential vicinity and the potential for people to congregate outside the premises. However, they believe that the promotion of the licensing objectives can be met via the imposition of conditions in this case. The Police advocate conditions in addition to that set out by the applicant and have suggested the strengthening of a number of proposals suggested by the applicant. Ultimately the position of the Police is that they are content with the imposition of conditions.

Paragraph 9.12 of the Section 182 Home Office National Guidance states - *Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to*

*ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.*

Members of the Sub Licensing Committee will be required to determine the application in relation to the promotion of the four licensing objectives i.e prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

If Members were not of a mind to determine to grant the additional hours for sale of alcohol and new provision of late night refreshment then, Members may wish to approve the removal of embedded conditions and submission of revised plan, encompassing the change of layout to the premises. Members will be aware that the plan forms part of the Premises Licence.

Members attention is drawn to the following proposed condition advocated by the Police and agreed by the applicant namely ‘ *All staff with a responsibility for supplying or selling alcohol shall 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.*’ Should Members determine to grant the variation application, it is advocated that this condition is not applied to the licence as it duplicates an existing legal requirement.

#### **1.10 RECOMMENDATION**

Having had regard to and considered the comments received from the local resident and in the absence of any concerns to the application from Responsible Authorities, it is recommended that the application for variation of Premises Licence be **granted, subject to the proposed conditions as set out in Appendix 9.**

**It is also recommended that embedded conditions as set out in Appendix 2 are removed and likewise the conditions set out in Appendix 3. Furthermore, it is recommended that Members approve the revised plan, demonstrating the change of layout to the premises.**

It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by way of the operating schedule proposed by the applicant and conditions proposed by Police.

Background Papers: Statutory Guidance issued under S182 of the Licensing Act  
Caerphilly CBC Statement of Licensing Policy

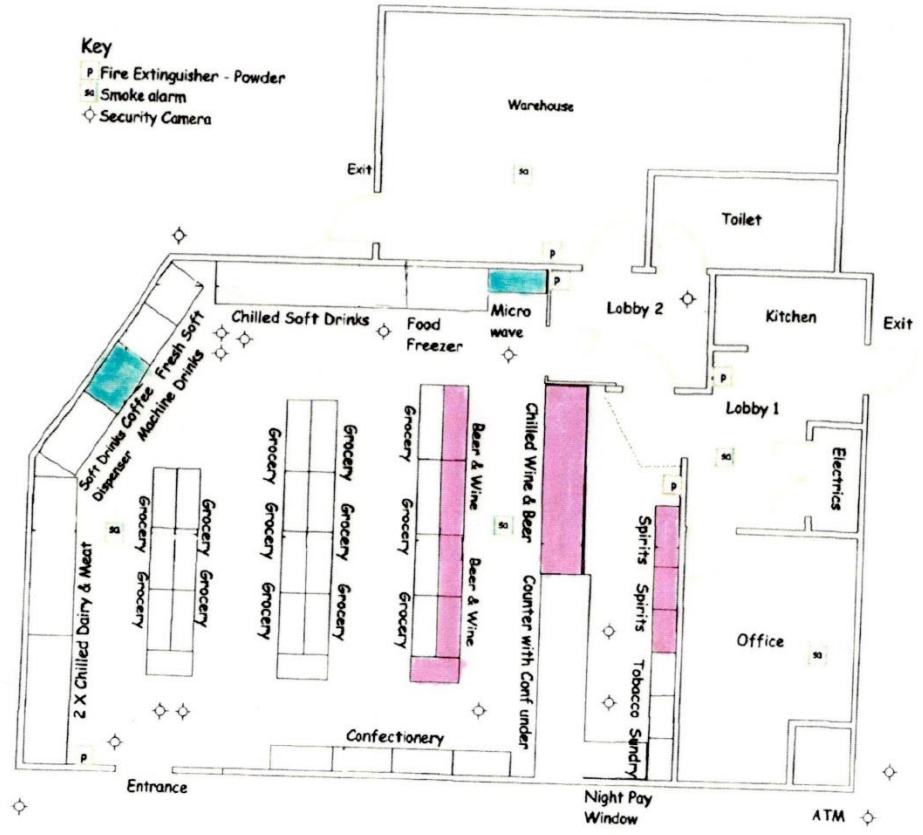
Date of this report: 27<sup>th</sup> April 2021

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Gadewir y dudalen hon yn wag yn fwriadol



**Key**  
 P Fire Extinguisher - Powder  
 SA Smoke alarm  
 SC Security Camera



Bargoed Service Station  
 Gwerthoner Place  
 Gilfach, Bargoed  
 CF81 8JP  
 Scale- 1:100  
 Drawing Reference; RB/1302  
 Drawn by: R Baker RB Retail & Licensing  
 29<sup>TH</sup> December 2020

All retail selling areas to be licensed for alcohol display. Copyright – RB Retail & Licensing Services Limited, 23 Magister Drive, Lee on the Solent, Portsmouth PO123 8GE, Site dimensions to be used at all times

Gadewir y dudalen hon yn wag yn fwiadol

Embedded Conditions

The premises licence will be subject to the imposition of all embedded restrictions converted from the Licensing Act 1964.

The times authorising the carrying out of licensable activities are stated on your licence.

The restrictions do not prohibit:

- a. during the first twenty minutes after the permitted hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- b. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c. the sale of alcohol to a trader or club for the purposes of the trade or club;
- d. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

This information has been taken from the guidance issued by the DCMS.

This is not an exhaustive list of relevant provisions of the Licensing Act 1964. You are advised to obtain your own legal advice if you have any queries in respect of Licensing Act 1964 provisions.

Gadewir y dudalen hon yn wag yn fwriadol



**Annex 2 – Conditions consistent with the operating schedule**

All staff will be trained with regard to the Licensing Act 2003, and the service of alcohol and tobacco.

A record will be kept of all attentive purchases by under 18's.

Liase with local Police Licensing Officer on a regular basis.

Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.

Prominent signs are displayed with regard to alcohol and tobacco sales.

CCTV cameras to be installed which will cover the the parking areas. The recordings will be retained for a period of 28 days and will be available to the Police and other responsible authorities on request.

Refusals book to be kept and used at the premises.

Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.

All emergency lighting will be checked weekly.

Entrances, exits and passageways are kept clear.

Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.

Prominent signs will be displayed requesting customers to have regard for local residents when leaving the premises.

Adequate bins are available for customers to dispose of litter.

Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.

No one under 18 years will be allowed in the premises unless accompanied by an adult after 21.00.

Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.

Staff will satisfy themselves that a person attempting to buy alcohol is at least 18 years old. Where there is any doubt whatsoever that this is the case, prospective customers will be asked to demonstrate that they have reached the minimum legal

age to purchase, by providing a PASS (Proof of Age Standards Scheme) accredited proof of age card, a photo driving licence or passport.

All staff will be trained on the mechanisms to prevent under age sales.

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

1. Staff will satisfy themselves that a person attempting to buy alcohol is at least 18 years old. Where there is any doubt whatsoever that this is the case, prospective customers will be asked to demonstrate that they have reached the minimum legal age to purchase, by providing a PASS (Proof of Age Standards Scheme) accredited proof of age card, a photo driving licence or passport.
2. All staff will be trained on the mechanisms to prevent under age sales.
3. All staff will be trained with regard to the Licensing Act 2003, and the service of alcohol and tobacco.
4. A record will be kept of all attentive purchases by under 18's.
5. Liase with local Police Licensing Officer on a regular basis.
6. Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.
7. Prominent signs are displayed with regard to alcohol and tobacco sales.
8. CCTV cameras to be installed which will cover the the parking areas. The recordings will be retained for a period of 28 days and will be available to the Police and other responsible authorities on request.
9. Refusals book to be kept and used at the premises.
10. Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.
11. All emergency lighting will be checked weekly.
12. Entrances, exits and passageways are kept clear.
13. Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.
14. Prominent signs will be displayed requesting customers to have regard for local residents when leaving the premises.
15. Adequate bins are available for customers to dispose of litter.
16. Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.

17. No one under 18 years will be allowed in the premises unless accompanied by an adult after 21.00.

18. Shop door will close at 23.00 and reopen at 5.00 all sales in this period will be via security window.

Gadewir y dudalen hon yn wag yn fwriadol

## Extract of Statement of Licensing Policy

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

5.4 The Licensing Authority notes that the Government's Section 182 Guidance states that "Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours". However, because of the problems experienced in some local communities in the county borough arising from the availability of alcohol for sale at local shops for consumption off the premises this Licensing Authority has decided that it will not adopt this general position but instead will expect applicants and licence-holders to trade alcohol at hours which are appropriate to their particular local environment. Therefore applicants should very carefully consider the hours they seek when devising their operating schedule and it is recommended to discuss such application with the appropriate Responsible Authorities.

5.5 In the event that applications are submitted which have not demonstrated that appropriate alcohol trading hours have been properly considered, it is likely that representations will be made by the relevant responsible authorities and the public. This will delay the determination of the application and result in it being referred to a Licensing Sub-Committee for determination.

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

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

10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.

10.3 Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.

11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on these parties which may be disproportionate and unreasonable.

11.2 The definition of what may be considered as a potential or actual 'public nuisance' is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to 'public nuisance' are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.

11.3 The Licensing Authority recognises that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being. The Licensing Authority recognises the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases. Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

11.5 Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks.

11.6 The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area;
- extended opening hours are proposed.

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

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

13.9 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met. To support the age-verification process the Authority strongly recommended that premises have the following measures in place to ensure age verification for sales –21

- That 'Challenge 25' is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol.
- That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers.
- That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers.
- That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers.
- That a personal licence holder shall be on the premises at all times that alcohol is supplied.
- That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

14.3 Amendments to the Act has inserted the term 'other person' to replace 'interested party' as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:-

- Residents living near the premises
- Persons with an interest in the premises or locality
- Local councillors
- Businesses with an

interest in the premises or locality. • Organisations with an interest in the locality, premises or licensable activities.22 The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; • The protection of children from harm.

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

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

25.7 Conditions on a licence: • Must be appropriate for the promotion of the licensing objectives; • Must be precise and enforceable; • Must be unambiguous and clear in what they intend to achieve; • Should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation; • Must be tailored to the individual type, location and characteristics of the premises and events concerned; • Should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case; • Should not replicate offences set out in the 2003 Act or other legislation; • Should be proportionate, justifiable and capable of being met; • Cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and • Should be written in a prescriptive format.

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will



form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

26.2 In completing an operating schedule, applicants are expected to have regard to this statement of licensing policy and to demonstrate suitable knowledge of their local area when describing the steps that they propose to take in order to promote the Licensing Objectives.

27.1 The Licensing Act 2003, as amended, imposes a number of mandatory conditions on licences. The council has the power to impose additional conditions if they consider that they are appropriate for the promotion of the licensing objectives.

27.3 Applicants may offer conditions in the operating schedule as part of their application; the council may remove or reword any of these conditions if they are considered to be unclear, ambiguous or unenforceable, with the agreement of the applicant. This will ensure that all parties fully understand their responsibilities to promote the licensing objectives.

28.1 When an application is made for the grant, variation or review of a premises licence or club premises certificate, representations about the application can be made by responsible authorities or other persons. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

28.5 Representations should relate to the impact of licensable activities carried on from premises on the Licensing Objectives.

28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.

28.21 Relevant representations about applications can also be made by any other person, regardless of their geographical position in relation to the relevant premises. However the Licensing Authority will usually give greater weight to representations that are made by people who can demonstrate that they would be directly affected by the carrying on of licensable activities at the premises concerned.

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

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of

how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what

might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

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

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

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

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

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

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**HEDDLU GWENT POLICE  
RELEVANT REPRESENTATIONS  
PREMISES LICENCE /CLUB PREMISES CERTIFICATE or  
VARIATION OF THE ABOVE  
S.18, 41A, 72 and 86A of the LICENSING ACT 2003**

**Representations by the Police to be made within 28 Days of receipt of the application.**

Date application received: **16/03/21**

Date representations sent to Licensing Authority: 07/04/21

Date representations sent to applicant: 08/04/21

Name of authority: **Caerphilly County Council**

Premises Name and Address: **Bargoed Service Station, Gwerthonor Place, Gilfach. CF81 8JP**

Applicant Address: **Richard Baker, RB Retail& Licensing Services Ltd, 23 Magister Drive, Lee on the Solent. Portsmouth. PO13 8GE**

Gwent Police has received an application to vary a premises licence under the Licensing Act 2003 in respect of the above named premises.

Representations made on the following grounds due to undermining of one or more of the Licensing Objectives.

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. The Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

With the enhanced licensable hours this will increase the likelihood of a disturbance within the nearby residential vicinity. There is potential for people to congregate outside the premises in the early hours which will also cause a disturbance within the vicinity which consists predominantly of residential properties.

Gwent Police would request the following:

1. The premises supervisor, manager or other competent person shall manage all areas to ensure that customers do not behave in a noisy, rowdy or offensive manner.
2. The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.

In addition to the above, some of the conditions consistent with the applicant's operating schedule, that is condition numbers 1 – 10, and 12 - 13, Gwent police would like the wording changed as follows to support the four licensing objectives.

These conditions require strengthening to allow for the safe and responsible trading of the business and to support the four licensing objectives during these extra hours.

1. CCTV shall be in use at the premises.

(i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by the date the licence is granted and the system be fully operational on that date;

- (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place;
- (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
- (iv) The correct time and date will be generated onto both the recording and the real time image screen;
- (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
- (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
- (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during opening hours.

The CCTV system shall include all external areas of the premises.

2. All staff 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.

3. 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.

4. The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times records should be kept for a minimum of 12 months and shall be produced to an authorised officer of the Licensing Authority or a constable when required.

5. All staff with a responsibility for supplying or selling alcohol shall 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.

6. The premises licence holder, premises supervisor or event manager, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.

7. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.

The aforementioned are proposed to assist in promoting the key licensing objectives. If the applicant wishes to discuss any issues they are welcome to contact me.

**PC 328 Karina Williams**  
**Police Harm Prevention/Licensing Officer**  
**OBJ 2.1**

Gadewir y dudalen hon yn wag yn fwriadol

## Appendix 7

Re: Notice of Application for the Variation of a Premises Licence or Club Premises Certificate at Bargoed Service Station, Gwerthonor Place, Gilfach, Bargoed I wish to record my strong objection to the above Application for the Variation of a Premises Licence under one or more of the licensing objectives:-

1. The prevention of public nuisance - I understand that objections that relate to the likelihood of increased anti-social behaviour at the premises can be made under this heading. In relation to a potential increase in anti-social activities I would highlight that on many occasions during current day and evening time operating hours of Bargoed Service Station and its adjacent hand car wash operation many vehicles that attend the service station do not switch off their engines, play loud music whilst stationary on the Service Station forecourt and many vehicles exit the Service Station forecourt at excessive speed with over revved engines and screeching wheels. Should the Service Station extend their opening hours as a consequence of this application I have concerns that the likelihood of noise emanating from the premises due to cars playing loud music and leaving the forecourt in a noisy manner during will increase in the night-time when the adverse impact night-time noise will only be exacerbated in the vicinity of the residential area fronting the Bargoed Service Station and along Gwerthonor Place. I also consider that should the Service Station's application be approved that there is a strong likelihood of an increase in potential littering and rowdy behaviour by potential customers during the late night and night-time opening hours that will adversely impact on the residential area fronting the Bargoed Service Station and along Gwerthonor Place. Whilst I note the proposed conditions on the Application in relation to mitigation of Service Station lighting during night-time opening it is inevitable that vehicles using the night-time facilities will be using their headlights whilst accessing and exiting the Service Station with the likelihood that night-time light pollution will increase and adversely impact on the residential area fronting the Bargoed Service Station and along Gwerthonor Place.
2. The protection of children from harm - The Application if approved would increase the ease by which alcohol can be purchased. NHS Wales "Live Well" initiatives to reduce the weekly alcohol intake of the general population makes specific reference to the benefit that you are less likely to upset family and friends by reducing alcohol intake and thereby potentially reduce the likelihood of harm to children within a family setting. Extending the hours and ease by which alcohol may be purchased has the potential to increase the likelihood of other high risk behaviour associated with heavy alcohol consumption in relation to violence and arguments and accidents at home and on the road. Furthermore NHS Wales highlights that the social problems related to heavy alcohol intake include domestic violence and child abuse. (Reference source <https://111.wales.nhs.uk/lifestylewellbeing/alcohol/> ) In addition to the above the proposal to allow late night sales and provision of snacks and drinks does not align with NHS Wales "Live Well" initiatives to reduce obesity. I trust the above is sufficient for your needs and clearly sets out my objection to the current application for the Variation of a Premises Licence or Club Premises Certificate at Bargoed Service Station, Gwerthonor Place, Gilfach, Bargoed.

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Good Morning Rhys & Karina,

Thank you for the attached Police representation received yesterday.

I have consulted with the applicant and I can confirm on their behalf we accept all of the proposed Police condition wording as per the attached letter dated 8<sup>th</sup> April 2021.

Please may I respectfully request an emailed acknowledgement of receipt.

Many thanks and keep safe.

Kind regards

Richard

Richard Baker  
Director  
RB Retail & Licensing Services Limited

Gadewir y dudalen hon yn wag yn fwriadol



1. CCTV shall be in use at the premises.
  - (i) Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where existing CCTV systems are to be replaced or extended the replacement or extension to the system shall be concluded by the date the licence is granted and the system be fully operational on that date;
  - (ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place;
  - (iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;
  - (iv) The correct time and date will be generated onto both the recording and the real time image screen;
  - (v) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;
  - (vi) The premise licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of any authorised officer of the Licensing Authority or a constable;
  - (vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during opening hours.

The CCTV system shall include all external areas of the premises.

2. All staff 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.
3. 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.

4. The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times records should be kept for a minimum of 12 months and shall be produced to an authorised officer of the Licensing Authority or a constable when required.
5. The premises licence holder, premises supervisor or event manager, shall ensure that measures shall be put in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of the premises or neighbouring premises.
6. A clear notice shall be displayed at any exit to the premises to instruct customers to respect the needs of local residents and leave the premises and the area quietly.
7. The premises supervisor, manager or other competent person shall manage all areas to ensure that customers do not behave in a noisy, rowdy or offensive manner.
8. The premises licence holder shall ensure that a clearly visible notice will be placed on the premises advising those attending, that the Police will be informed if anyone is found in possession of controlled substances or weapons.
9. The entrance door to the shop will be closed to customers between the hours of 23.00 & 05.00 (the doors can be closed earlier should the licence holder so elect). Any sales between these hours will be made through the night pay window.
10. The premises will install an electronic shunt lock which can be operated remotely from behind the serving counter.
11. The premises will introduce till prompt system to help remind staff to ask for ID when appropriate to do so.
12. Between the hours of 23.00 & 05.00 hours the pumps nearest the road will be switched off and then coned off.
13. Areas of the forecourt not deemed necessary for use between 23.00 & 05.00 hours will be coned off.
14. No external illumination will be left on between the hours of 23.00 & 05.00 hours 7 days a week except for lighting connected to site safety, the Pole sign and the shop fascia signage.
15. Spirits will only be displayed behind the counter and will not be self service.
16. Alcohol will not be displayed within 5 metres of the store entrance.
17. A direct telephone landline number for the business will be displayed in a prominent location should a member of the public wish to raise a concern.