



## LICENSING AND GAMBLING SUB COMMITTEE

MINUTES OF THE DIGITAL MEETING HELD VIA MICROSOFT TEAMS ON  
THURSDAY 24TH JUNE 2021 AT 10.00 A.M.

PRESENT:

Councillors:

Ms J. Gale, D.C. Harse, Mrs D. Price

Together with:

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

### **Representing the Applicant**

Mr and Mrs N. Thavarasa (NNN), Mr C. Grunert (John Gaunt and Partners)

### **Representing Responsible Authorities**

PC A. Jones (Gwent Police)

## **ELECTION OF ACTING CHAIR**

The Sub Committee were advised of the unavailability of both the Chair and Vice-Chair for this meeting, and the need to elect a Member to preside as Acting Chair. The Sub Committee unanimously voted to elect Councillor Mrs Dianne Price to preside as Chair for the duration of the meeting.

## **INTRODUCTION AND RECORDING ARRANGEMENTS**

Introductions were made and the Acting 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 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies for absence was received from A. Dicks (Licensing Authority as a Responsible Authority) and D. Lewis (Children's Services).

### **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 - NNN, 23 SHINGRIG ROAD, NELSON, CF46 6DY**

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.

Mrs Kathryn Hopkins (Senior Licensing Officer) presented the report and outlined the application for a new premises licence at NNN (an off-licence store), 23 Shingrig Road, Nelson, CF46 6DY.

Members were advised that the application sought to permit the supply of alcohol (off sales only) between Monday to Saturday 08:00 – 22:00 and Sunday 09:00-22:00. Mrs Hopkins outlined the Licensing Act 2003 requirements in relation to the advertisement of applications and was satisfied that all relevant requirements had been complied with.

During the 28-day consultation period, representations were received from Gwent Police and Children's Services, together with the Licensing Authority in their role as Responsible Authority who had given their apologies for today's hearing. These were summarised in Section 1.6 of the report. A representation was also received from one local resident who had objected to the application owing to concerns around parking, potential noise increase and littering, and the applicant had responded to these as set out in Appendix 9 of the report to allay any concerns.

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 report, which considered the position of Responsible Authorities and their advocated comments as opposed to any objection, and also the comments of the local resident. It was therefore recommended that the application be granted as applied for, subject to a number of agreed conditions as set out in the report.

There were no questions received for Licensing and representations were then invited from the applicant, NNN Stores.

Mr C. Grunert (John Gaunt and Partners) spoke on behalf of his client (Mr N. Thavarasa) and explained that the premises had previously been a childcare centre and his client was hoping to reinstate this as a retail outlet. The convenience store would offer a wide range of products and alcohol would be on offer, but it was emphasised that this would not dominate sales or compete in range and price with supermarkets. Mr Grunert explained that the store was looking to offer convenience to elderly customers who do not drive, and that the premises would bring a business and their family into an empty unit.

Mr Grunert referred to the concerns around parking and highlighted that this was not a licensing consideration but did confirm that his client would advise customers not to park outside the shop. In regards to potential noise nuisance, Mr Thavarasa was prepared to put up notices asking customers to leave quietly. He explained that the premises is located on a main arterial road and he did not expect that customers leaving would add to the background levels of noise.

Mr Grunert referred to the recommendations made by Gwent Police and confirmed that these had been fully accepted by the applicant and that many of the concerns had been addressed. In his view, the hours sought were modest and mirror the opening hours of the shop. Mr Grunert also highlighted the licensing experience of both Mr and Mrs Thavarasa and the responsible way in which they would run the premises. Mr Grunert took on board the concerns of the local resident but did not feel this was justification to refuse the application. He emphasised that his client was willing to fully engage in regards to any concerns and would promote all the licensing objectives and take these responsibilities on board.

There were no questions received for the applicant and representations were then invited from Responsible Authorities.

PC Adrian Jones referred to the representation from Gwent Police made by his colleague (PC Karina Williams). He confirmed that Gwent Police had no objections to the premises application and were satisfied with the conditions that had been agreed by the applicant.

There were no questions for Gwent Police. It was noted that Children's Services were not in attendance owing to another meeting and all parties were then afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision.

Mrs Kathryn Hopkins (Senior Licensing Officer) referred Members to the report recommendation but reminded that the Sub Committee that this was only a recommendation and the matter was for their determination.

PC Adrian Jones (Gwent Police) referred to the representation and conditions agreed by the applicant and confirmed he had nothing to add.

Mr Grunert (applicant's representative) referred to national guidance issued under Section 182 of the Licensing Act 2003 in relation to expert evidence, and in view of the lack of objections received, hoped this would have a bearing on determination of the application.

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 10.24 a.m. to make its decision and all other parties left the meeting.

Following consideration of the application for the variation of a club premises certificate for NNN, 23 Shingrig Road, Nelson, CF46 6DY, 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 for a new premises licence as set out in Section 1.3 of the Licensing Officer's report be GRANTED, subject to the 7 conditions as set out in Section 1.10 of the report. For ease of reference, these are attached to the minutes.

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 gave significant weight to the representations made by the Responsible Authorities and took into account the willingness of the Applicant's to meaningfully engage with the Responsible Authorities during the consultation process. It also gave weight to the previous experience that the Applicant has of supplying alcohol in a retail setting. The Sub Committee considered each of the 7 proposed conditions of the premises licence and determined that each proportionately sought to uphold the four licensing objectives.

The Sub Committee took into account the written representations made by the local resident. The Sub Committee gave very little weight to the issue raised based on car parking and traffic flow. It considered that such objections were more akin to planning objections rather than directly concerning the four licencing objectives. The Sub Committee took into account that the Applicant's business was a standard convenience store and there was little direct link between the licensable activity (supplying alcohol via off sales) and the suggested problems caused by increased traffic and parking demand. The store itself may well increase such traffic, but there was no evidence that this would be the case due to it selling alcohol for off-site consumption.

The Sub Committee took into account the objection raised in regards to potential noise nuisance. It was not convinced on the evidence/representations placed before it that this was such a concern that would warrant the refusal of the application, and that the agreed conditions had adequately addressed such concerns. It was mindful that there was no clear evidence of why noise would be associated with the licensable activity rather than the general noise of operating a corner store. Similarly, in regards to the risk of youths congregating, there was little explanation as to why this would necessarily occur as a result of the licensable activity. In this respect, the Sub Committee gave significant weight to the representations made by Gwent Police, and the conditions relating to the prevention of under-age sales which the Applicant readily agreed to be bound by.

In summary, the Sub Committee were not persuaded on the basis of the resident's written representations that any of the four licensing objectives would be undermined warranting the refusal of the application sought.

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 11.00 a.m.

**Conditions applicable to the grant of the licence as per Section 1.10 of the Licensing Manager's report:-**

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 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. Records to be maintained for a minimum of 12 months.
5. All staff are to be trained with respect to underage sales, such training to be updated on an annual basis or when legislation changes and should include training in how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Training should be clearly documented, signed and dated by both the trainer and member of staff receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
6. 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.

7. Rowdy and/or disorderly customers will be asked to leave the premises.