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

Date: 12th August 2021

Dear Sir/Madam,

A digital meeting of the **Licensing and Gambling Sub Committee** will be held via Microsoft Teams on **Thursday, 19th August, 2021 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHARRY'.

Christina HARRY
CHIEF EXECUTIVE

A G E N D A

- 1 To receive apologies for absence.
- 2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with Local Government Act 2000, the Council's Constitution and Code of Conduct for both Councillors and Officers.

A greener place Man gwyrdach



To receive and consider the following report:-

- 3 Determination of Premises Licence Application - Chef Ceylon, 10 Bridge Street, Blackwood, NP12 1AX.

1 - 52

Circulation:

Councillors J. Simmonds (Chair), Ms J. Gale and J.E. Roberts

And Appropriate Officers

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

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LICENSING AND GAMBLING SUB COMMITTEE – 19TH AUGUST 2021

SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION

REPORT BY: LEE MORGAN LICENSING MANAGER

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1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Chef Ceylon Limited	Chef Ceylon 10 Bridge Street, Blackwood, NP12 1AX	New Premises licence

1.1 Application for Grant of a New Premises Licence

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

1.2 Site Plan/Photographs

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

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

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

1.3 Proposed Trading Times and Licensable Activity

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

- **Supply of Alcohol (on sales only)** Monday to Sunday, 11:00 to 24:00.
- **Late Night Refreshment (LNR) – (Indoors only)** Monday to Sunday, 23.00 to 24.00

The Applicant subsequently revised their application following representations received during the 28day consultation process to reflect the following amended position:-

- **Supply of Alcohol (on sales only)**
Monday to Wednesday 12.00 to 22.00
Thursday to Saturday 11.00 to 23.30
Sunday 12.00 to 20.30
- **Late Night Refreshment (LNR) – (Indoors only)**
Monday to Sunday 23.00 to 24.00

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

A general description of the proposed premises has been provided as *'This is a restaurant which serve food and drinks and takeaways for food. We serve alcohol in the premises.'*

- 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:-

The use of the outdoor area be restricted to 21:00 hours

Will make sure all food allergies are displayed and mention every time before they place the order

A 'Challenge 25' policy will be in place for checking persons suspected of being underage

We do not use loud music and wont disturb the neighborhood.

We would be happy to say that we provide food with better quality and the condition as it's our main objective to serve the best quality food all the time. (provide proper training to the staff for food - labeling/expiry date check /temperrature check etc.

The premises licence holder will 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 An incident report/refusals logbook is always be held at the premises and shall be produced to an authorized officer of the Licensing Authority or a constable immediately upon request

CCTV system is to be installed which will be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police

The management will necessary action any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner Any person working in the premises will be trained with respect to underage sales and in how to refuse sales to difficult customers

We will make sure to clear any broken glasses in the premises immediately to prevent children prevent from cuts /harms.

The manager is responsible for children when buying drinks if it doesn't contain alcohol

1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy **Appendix 3**

National Guidance **Appendix 4**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

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

Trading Standards

Document	Date Received	Appendix Reference
Initial Representation	30/062021	Appendix 5

Environmental Health Pollution

Document	Date Received	Appendix Reference
Initial Representation	27/07/2021	Appendix 6

Police

Document	Date Received	Appendix Reference
Initial Representation	21/07/2021	Appendix 7

Licensing Authority in role as Responsible Authority

Document	Date Received	Appendix Reference
Initial Representation	27/07/2021	Appendix 8

1.5.2 Other Persons:

Residents

Document	Date Received	Appendix Reference
Resident A Representation & Supplementary comments	08/07/2021	Appendix 9
Resident B Representation & Supplementary comments	22/07/2021	Appendix 10
Resident C Representation	24/07/2021	Appendix 11

1.6 SUMMARY OF REPRESENTATIONS

Trading Standards have not objected to the application and have proposed conditions which would require staff/members who serve alcohol to be trained in the prevention of underage sales and that training be updated when necessary and documentation of said training be available for inspection by an authorised Licensing Officer or constable. The Trading Standards Officer advocates that a 'Challenge 25' policy to be in place including display of signage at the entrance of the premises. The Trading Standards officer advocates that Staff be vigilant regarding proxy sales.

Gwent Heddlu Police have made no objection to the application following a site visit during the consultation period. The Police advocated a number of conditions to promote the licensing objectives including a 30minute drinking up time in order that the premises is cleared. The Police advocated an enhancement of the CCTV condition proposed by the applicant, specifying that footage can be retained for 28 days and the ability of staff to download images at the request of any authorised officer of the Licensing Authority or a constable. The Police also propose that the applicant keep an incident log at the premises. The Police tailored the proposed condition that required the outside area to be vacated by 21.00hrs save for persons that wished to smoke.

The Environmental Health Pollution Officer makes no objection to the application but advocates a number of conditions including a requirement for windows and doors to be closed, a restriction on times when waste can be moved to external areas, regular patrols to check noise levels and ensuring the any lights on the premises are do not cause a nuisance to residents.

The Licensing Authority in its role as a Responsible Authority acknowledged the revised retail sale of alcohol times as detailed by the applicant during the consultation period and made no objection to the application. Despite references from residents to historic nuisance and anti-social behaviour, the Licensing Authority noted an absence of a recorded complaint history to that effect. A rewording of the condition was proposed by enhance the Police condition, in relation to a 12month time period for keeping the incident book.

There were a number of resident representations objecting to the application during the 28day consultation period. These were forwarded to the applicant for comment. The applicant subsequently revised their retail sale of alcohol hours as a result (as detailed in paragraph 1.3) There are 3 remaining residents that have made an objection to the application.

Resident A raises concerns about the hours sought and references concern about previous noise, damage and disruption caused by drunken people. Following an amendment to the proposed hours the resident concerns remained about the noise that could arise when people were leaving the premises.

Resident B details concern about the midnight stop tap on weekends and identified that patrons could leave the premises at 00.30hrs and 01.00hrs. Concern is also expressed regarding the usage of the outside area and general noise and persons shouting.

Resident C references that they have resided in the vicinity for over 20 years and their concerns related to a time when the premises was trading as the Masons Arms and was operating as a pub. The resident described anti-social behaviour that arose despite assurances offered by the then licence holder which included a 9pm restriction on the beer garden.

The revised position of the applicant was provided to the resident objectors, who to date have maintained their objections to the granting of a Premises Licence.

1.7 APPLICANT RESPONSE

The applicant has responded to a number of the resident representations and to that of the Police and other responsible authorities. The applicant response to residents and Police is reproduced as **Appendix 12**. The applicant following receipt of resident objections and representations from responsible authorities determined to amend their retail sale of alcohol times, as detailed at Paragraph 1.3 of the report.

1.8 LICENSING ASSESSMENT

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

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

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

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

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

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

1.9 OBSERVATIONS

This application relates to the granting of a new premises licence. A prior premises licence held for the site, when known as Sam's Brasserie was surrendered in September 2020. The previous licence held permitted the retail sale of alcohol Monday – Wednesday 10.00 to 23.00hrs, Thursday to Saturday 10.00 to 00.00hrs and Sunday 12.00 to 23.30hrs. The premises was also previously known as the Mason's Arms.

No objections were received from any of the Responsible Authorities (RA's) to the application made by Chef Ceylon Ltd. It is noted that the Police, Licensing Authority in role as responsible authority, Environmental Health, (Pollution Team) and Trading Standards have all advocated conditions, which have been agreed by the applicant.

The Fire Authority and Environmental Health Commercial Safety Officer offered no representation comments in relation to the application.

The Responsible Authorities (RA's) therefore appear to be 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.

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.*

Representations making objections to the granting of the premises licence have been received from residents. Three resident objections remain following mediation during the application consultation process. National Guidance at paragraph 9.9 states *'It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.'*

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.'*

However, Paragraph 14.5 of the council's licensing policy provides advice to Members when considering representations and states *'Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.'*

Paragraph 16.2 of the council's licensing policy also states *'Therefore, any person is able to make representations in relation to certain types of applications as an "Other Person" However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.'*

Whilst crime and disorder concerns have been raised by residents, the Police have made no objection to the application and have instead sought, a number of conditions, that would be attached to a licence (if granted).

Concerns have been raised in respect of possible noise nuisance that could arise if a licence were to be granted. The Environmental Health Officer has made no objection and has sought only conditions having considered the application. It is noted that the applicant limited use of the outside area to 21.00hrs which the Police have endorsed, save for provision of smokers.

Some of the resident concerns appear to be anticipatory in nature about behaviour or issues which could arise, should a licence be granted. At this time, no concerns have been brought forward by the Responsible Authorities in respect of current anti-social behaviour in the vicinity or confidence in the management issues in respect of the applicant.

Advice is offered in this respect by Paragraph 2.21 of the Section 182 Home Office National Guidance which states that *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.*

Some of the concerns expressed by residents are understandable, however the applicant cannot be held responsible for any historic issues that have arisen as a result of activities under different management at the premises. It is worth noting that there would be no licence requirement for a food business (without an alcohol provision) similar to the model proposed by the applicant until 23.00hrs and therefore no control afforded by a licence. Should a licence be granted, based on the revised application being considered, that would in effect permit an extra 1 hour per night trading over 3 days Thursday to Saturday only.

The Late Night Refreshment (LNR) hours for indoors only were not specifically addressed by the Responsible Authorities, however in view of the revised hours proposed in the application and acceptance of the proposed Police condition i.e 'The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day' late night refreshment i.e sale of hot food /drink could only take place indoors until Midnight Thursday-Saturday. The premises could not be used for takeaway facilities beyond 11pm on any day.

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

1.10 RECOMMENDATION

Having had regard to and considered the position of the Responsible Authorities and all comments received by residents, it is recommended that the application for a Premises Licence be **granted subject to the times and conditions as set out Appendix 13.**

In reaching this conclusion it is noted that there are no objections to the application from Responsible Authorities.

It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in **Appendix 13**.

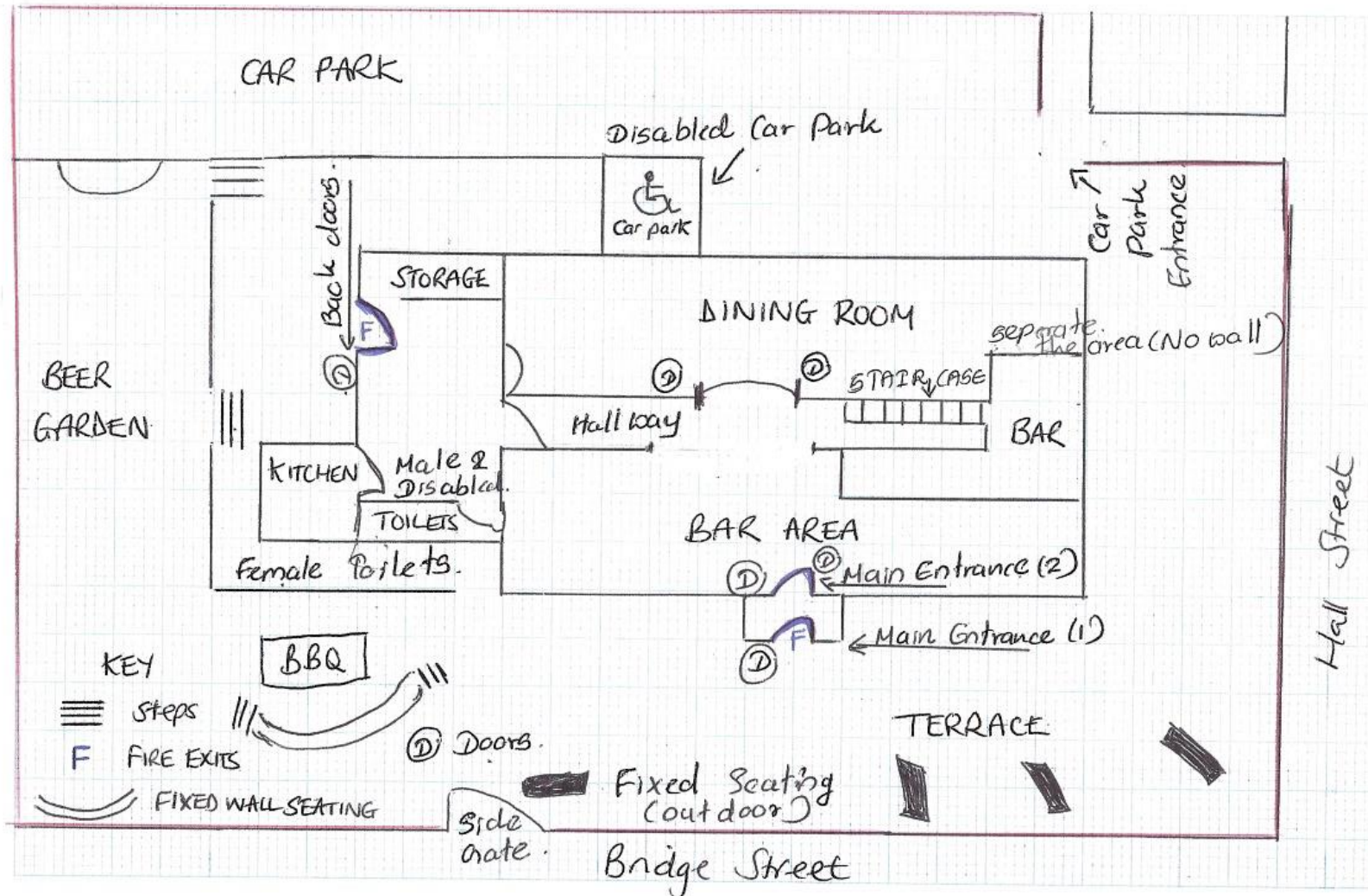
Background Papers:

[Link to Statutory Guidance issued under S182 of the Licensing Act](#)

[Link to Caerphilly CBC Statement of Licensing Policy](#)

Date of this report: 5th August 2021

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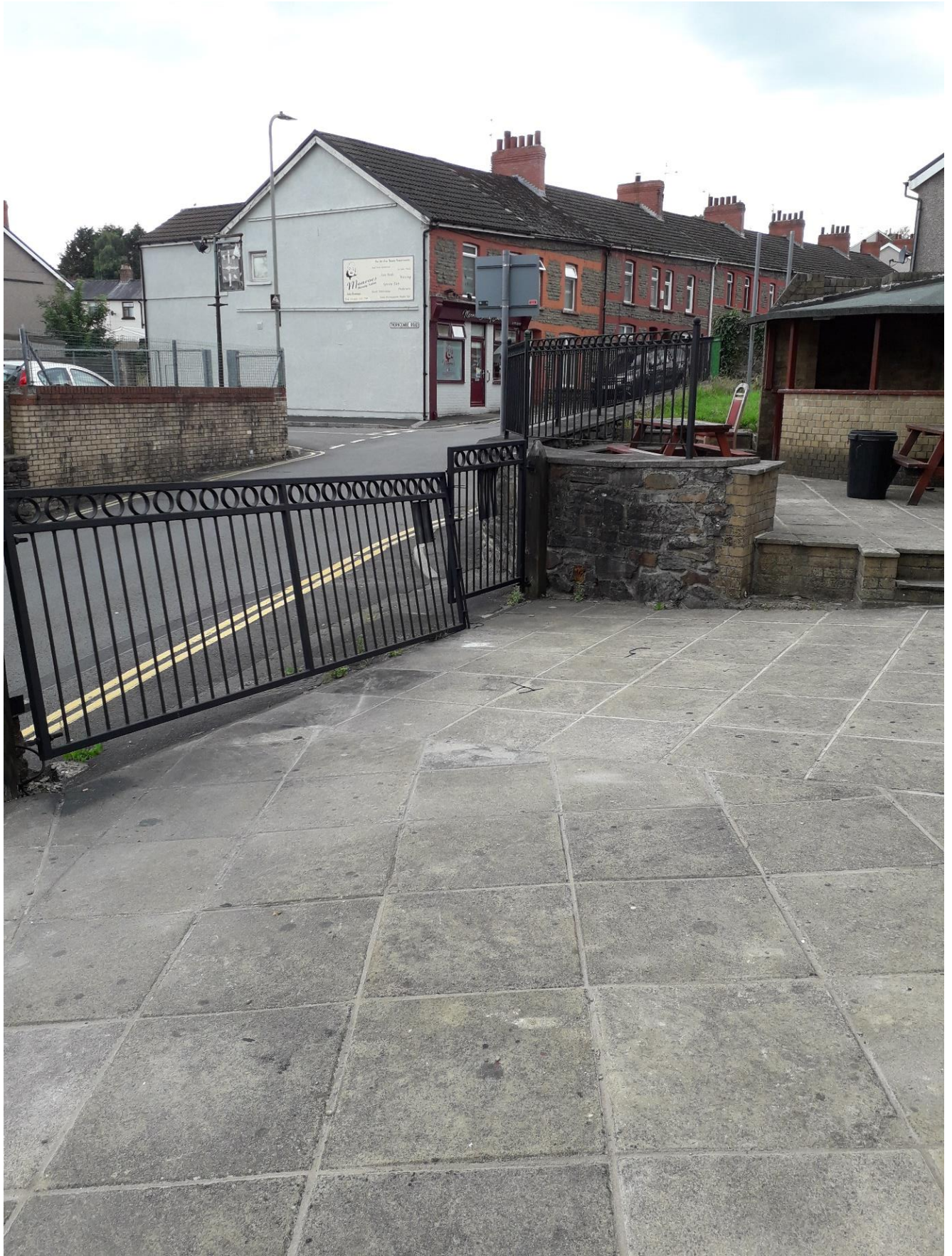


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Extract of Statement of Licensing Policy

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

5.4 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.

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

trade and market demands.

7.4 The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale.

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.

10.4 The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application.

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
- Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored. Are areas or surfaces designed to prevent the likelihood of drug use at the premises?
- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

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

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

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

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

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

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

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

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and

individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

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.

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

16.2 Therefore, any person is able to make representations in relation to certain types of applications as an “Other Person” However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk b) When an application is made, and relevant representations 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.

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.

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP)

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.

3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

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 repetitive. 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.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local 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.

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.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this

would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

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

14.51 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.



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY (Please delete as applicable) –

Name of Applicant	Chef Ceylon Ltd
Premises	10 Bridge Street, Blackwood, NP12 1AX

Your Name	Tim Keohane	Date 30/06/2021
Job Title	Senior Trading Standards Officer	
e.mail Address	keohatp@caerphilly.gov.uk	
Contact Telephone Number	01443 811319	

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

Please outline the reasons for your Representations
Although the application addresses under age sales with “Challenge 25 Scheme”. Neither does it address staff training in relation to under age sales or proxy sales. It is suggested that the operating schedule of the licence can be improved by the addition of the following conditions.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	<p>SA01</p> <p>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.</p> <p align="center">Page 29</p>
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SA02

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

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

SA07

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, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal and that a person aged 18 or over is accompanying the individual.

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

Yes

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

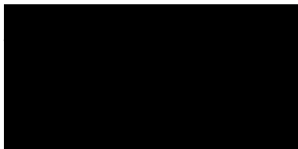
Please remember if you intend to make representations to copy this file to all other RA’s



RESPONSIBLE AUTHORITY REPRESENTATION

RESPONSIBLE AUTHORITY (Please delete as applicable) - Pollution Control

Your Name	Abbie Brown
Job Title	Environmental Health Officer
Postal and e-mail address	browna2@caerphilly.gov.uk
Contact telephone number	01443 831147

Name and Address of Applicant:	Dinuk Kamburugamuwe 
Premises	Chef Ceylon Ltd 10 Bridge Street Blackwood NP12 1AX

Which of the four Licensing Objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation or the reason for your representation.
The prevention of crime and disorder	No	
Public safety	No	
The prevention of public nuisance	Yes	The Pollution Control Team is of the opinion that recent amendments to the premises license application supports the licensing objective 'The Prevention of Public Nuisance'. In particular, the restrictions to the use of the outdoor areas.

		<p>However, this Responsible Authority support representations made by Gwent Police and would recommend the applicant implement further conditions as suggested below to safeguard nearby residential amenity.</p>
<p>The protection of children from harm</p>	<p>No</p>	

<p>What conditions could be added to the license to remedy your representation that the Licensing Sub-Committee could take into account.</p>	<ol style="list-style-type: none"> 1. All windows and doors of the building are to be kept closed to reduce noise impact at neighbouring properties other than when the doors are being used for loading and unloading and for the use of entering and leaving the premises. NOTE This condition shall not prejudice the minimum ventilation levels for health and safety and access to emergency exits shall not be compromised. 2. The applicant is not to remove waste and bottles into external storage areas between the hours of 10.00 p.m. and 8.00 a.m. 3. Licence holder to display prominent, clear and legible notices at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly. 4. All lighting for external areas of the premises must be aimed so the beam does not cause nuisance to the surrounding residential areas. 5. All external lighting must be turned off when no longer required. 6. Staff shall make regular patrols in the immediate vicinity to ensure noise nuisance does not occur at the nearest residential property.
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	<p>NOTE: Whilst it is accepted that the introduction of the Live Music Act 2012 makes certain allowances for regulated entertainment within licensed premises, it is not believed by this Authority that this Act was intended to de-regulate to the extent that other legislation such as the Environmental Act 1990 is contravened.</p> <p>The wording of the licensing objective suggests that the licensing regime is intended to 'prevent' occurrences of nuisance not to create instances where a noise nuisance occurs.</p> <p>Therefore, we would urge the persons responsible under any License granted to be mindful when providing regulated entertainment covered by such exemptions so as to not cause a public or statutory nuisance under the Licensing Act 2003 or the Environmental Protection Act 1990 respectively.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>No Yes</p>

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

Signed: A. Brown

Date: 27.07.2020

Please return this form to: Licensing Section, Caerphilly County Borough Council, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG. **This form must be returned within the Statutory Period.**

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GWENT POLICE**RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS****RESPONSIBLE AUTHORITY – Gwent Police**

Name of Applicant	Dinuk Kamburugamuwe
Premises	10 Bridge Street, Blackwood, NP12 1AX

Your Name	PC7 Daniel Allen
Job Title	Police Constable
email Address	Daniel.allen@gwent.pnn.police.uk
Contact Telephone Number	07464653993
Date	21/07/2021

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

Please outline the reasons for your Representations
<p>Gwent Police met with the partner of the applicant on 14/7/21 in company with the Licensing Authority. The plan for the premises is to provide high quality fine dining Sri Lankan food in a restaurant setting but with the option to dine outside if requested.</p> <p>The premise is near residential properties and is undergoing refurbishment to incorporate an outside dining area and BBQ. The external area is being enhanced to make the area more suitable and attractive to customers, therefore likely to attract a large customer base.</p> <p>Gwent Police have made representations that would assist the applicant in promoting one or more of the licensing objectives and would like some of the descriptions on how the applicant intends to promote the licensing objectives reworded.</p>

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account

The suggested conditions and variations to the license are as follows:

Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.

The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in the premises, especially for outdoor events/use.

The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

The applicant has stated:

The use of the outdoor area be restricted to 21:00 hours.

Gwent Police would like this to read:

The use of the outside licensed area of the premises is not permitted after 21:00 hours. Other than access solely for the use of the smoking area.

The applicant has stated:

CCTV system is to be installed which will be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.

Gwent Police would like this to read:

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 a CCTV system is to be installed, it shall be fully operational by the grant of the licence.

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards;

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 28 days. This image retention period may be reviewed as appropriate by the Licensing Authority;

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

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

- (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 licensable hours.

The applicant has stated:

An incident report/refusals logbook is always be held at the premises and shall be produced to an authorized officer of the Licensing Authority or a constable immediately upon request.

Gwent Police would like this to read:

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.

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

Yes

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

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

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Licensing

Name and Address of Applicant	Chef Ceylon Ltd
Premises	10 Bridge Street, Blackwood, NP12 1AX

Your Name	Annette Dicks Date: 27 th July 2021
Job Title	Assistant Licensing Manager
e.mail Address	dicksa@caerphilly.gov.uk
Contact Telephone Number	01443 866750

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

Please outline the reasons for your Representations
<p>Taking into consideration the nature of the application and the subsequent modification by the applicant to reduce the hours of operation, the Licensing Authority would not object to the application now sought. It is noted that there have been some concerns/objections to the application but this is not necessarily reflected in the records held on the public protection database from 2011, where no records could be found regarding public nuisance complaints at this site. Whilst it is appreciated that this is a new venture and its use is untested, the Licensing Authority believe that the modified times and conditions advocated by both the applicant, Trading Standards and Heddlu Gwent Police are sufficient to meet the licensing objectives and are proportionate and reasonable to the application submitted. In addition to these conditions, the Licensing Authority would advocate the following conditions to enhance the prevention of public nuisance and an addition to the condition proposed by Heddlu Gwent Police in relation to the keeping of an incident report logbook, concerning the period records are kept.</p>

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>The suggested conditions and variations to the licence are as follows:</p> <p>The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.</p> <p>Activities relating to the onsite disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 08:00 and 22:00 hours.</p> <p>The applicant has stated: The management will necessary action any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.</p> <p>The Licensing Authority would advocate the following:</p> <p>The premises supervisor, manager or other competent person shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures are put in place to monitor the external areas on a regular basis.</p> <p>With reference to the condition recommended by Heddlu Gwent Police to the provision of an incident/refusals book, the following should be added – ‘Records shall be kept for a minimum of 12 months’</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes</p>

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

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

What would happen if the rules by Gwent police are not followed, how many times do the police need to be called for something to happen? Plus I'm concerned the noise level of people leaving Chef Ceylon walking up the street and disturbing residents who has young children and has to rise early for work.

On Mon, 26 Jul 2021, 12:14 Furmage, Rhys, <FURMAR@caerphilly.gov.uk> wrote:

Good afternoon,

Further to your representations received and applicant's response, please be advised that Heddlu Gwent Police have submitted their own representations against Chef Ceylon's new premises licence application.

The applicant has responded (see attached), and revised their operating schedule, further reducing some of their alcohol sales and opening hours, as well as agreeing to the Police suggestions to promote the licensing objectives. In particular the applicant has agreed to these conditions:

'The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

The applicant has stated: The use of the outdoor area be restricted to 21:00 hours. Gwent Police would like this to read: The use of the outside licensed area of the premises is not permitted after 21:00 hours. Other than access solely for the use of the smoking area'

Once you have had chance to read the amendments and further relevant conditions, please can you comment whether your concerns have been addressed, and whether you wish to withdraw your objections or whether your objections still remain.

Kind regards,

Rhys Furmage

Swyddog Trwyddedu | Licensing Officer

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

From:

Sent: 08 July 2021 16:40

To: Cllr. Dix, Nigel; Cllr. Etheridge, Kevin; Cllr. Farina-Childs, Andrew

Subject: Objection

Hi, I would like to object the request that Chef Ceylon requesting a licence to serve alcohol between the hour off 11.00 am to 24.00 pm. I might have only been living in the street for 2 1/2 months with my family, but we have previously lived in 2 houses in the street. I remember the damage, noise and disruption that arised because of the drunken people. Some people have to get up for work early (including myself). My family and I will be living next door to Chef Ceylon.

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Hi Rhys

These are my concerns after the revised hours etc from Chef Ceylon

My concerns are

The 12 midnight stop tap on the weekend.

Could it be asked what time the kitchen will stop serving food. If it's say 11:30 then we will have people coming out at 12:30 to 1:00 am

The outside area if people sit at 8:45. At 9 will they be moved indoors or allowed to finish their food. This again will be a cause for concern with people shouting and general noise. They may be sat outside until 12.

It just states nobody served after 9. No mention of what will happen up to or before 9 in relation to what happens after 9

Spoke with a few people in the street and this does not give people confidence.

It is the only Sri Lanka restaurant within 30 miles

One in Cardiff other Swansea so is likely to be extremely busy.

I for one am not happy a licence would be granted and what like to go further if possible

Cheers

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From: Furmage, Rhys

Sent: Monday, July 26, 2021 12:53:23 PM

To: WWW: Licensing

Subject: Chef Ceylon - New Premises Licence application - representations

Good afternoon,

I acknowledge receipt of your email received in respect of the above premises which has been accepted as a relevant representation. The Licensing Act requires that your comments are forwarded to the applicant or their representative in advance of any hearing so as to assist with resolution of any problems prior to a hearing before a licensing sub-committee. Where issues can be resolved via mediation, relevant parties may consider that a hearing before a licensing sub-committee is no longer necessary thereby reducing inconvenience.

The council is aware of its obligations under the Data Protection Act and is concerned regarding the publication of personal data. Your representations with your personal details redacted will be published on the Council's website should a hearing be required.

Please find the revised operating schedule for Chef Ceylon attached. You will note the applicant, having considered comments made from residents and Heddlu Gwent Police, has now revised their hours for the sale of alcohol and opening hours. In addition, the applicant has commented on parking, the nature of the premises, customers leaving in a mindful manner, notices, CCTV and monitoring. Further to the applicant's comments, I would add that this application restricts the use of the outdoor area to 2100 hours. Once you have had chance to read the amendments and comments, please can you comment whether your concerns have been addressed, and whether you wish to withdraw your objections or whether your objections still remain.

Applicant's response to residents:

'Thank you for the email including objections to the sale of alcohol licence. We recognise the concerns and hope to work with the local residents.

We are first and foremostly a good quality restaurant serving authentic Sri Lankan food as you know already. We hope to aim for the type of clientele who want good food and good service in a tasteful environment There are five en-suite bedrooms upstairs which we plan to upgrade to provide rooms for B&B so we need to provide a calm environment. We do not wish to attract large groups whose main aim is to drink. We are an eating establishment. In order for that we will amend the hours we have applied for ... (previous hours agreed have been removed as the applicant has submitted further alterations to their hours. Please see attached).

Only those that have ordered food towards the end of the night and before the kitchen closes will be served alcohol until the licensed time. The mentioned times are for sale of Alcohol and times will differ from opening hours.

We are fortunate to have a decent sized car park for our customers and those being dropped off by taxi. We will ensure that customers leaving the restaurant do so in a mindful manner with notices put up . We are in the process of installing CCTV inside and outside the property and those wishing to dine outside will be monitored by the designated supervisor or waiting staff at regular intervals and any concerns reported to a senior staff member to deal with.

We hope that the neighbouring residents are reassured with the above.'

As mentioned above, Heddlu Gwent Police have submitted their own representations against Chef Ceylon's new premises licence application.

The applicant has responded (see attached), and revised their operating schedule, further reducing some of their alcohol sales and opening hours, as well as agreeing to the Police suggestions to promote the licensing objectives. In particular the applicant has agreed to these relevant conditions:

'The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.

The use of the outside licensed area of the premises is not permitted after 21:00 hours. Other than access solely for the use of the smoking area'

Once you have had chance to read the amendments to hours and further relevant conditions, please can you comment whether your concerns have been addressed, and whether you wish to withdraw your objections or whether your objections still remain

If you wish to discuss this matter, please do not hesitate to contact me on 01443 866750 or via email at licensing@caerphilly.gov.uk.

Kind regards,

Rhys Furmage

Swyddog Trwyddedu | Licensing Officer

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

Hi Rhys,

I have received this from a resident In Bridge Street.

My concerns are

The 12 stop tap on the weekend.

Could it be asked what time the kitchen will stop serving food. If it's say 11:30 then we will have people coming out at 12:30 to 1:00 am

The outside area if people sit at 8:45. At 9 will they be moved indoors or allowed to finish their food. This again will be a cause for concern with people shouting and general noise. They may be sat outside until 12.

It just states nobody served after 9. No mention of what will happen up to or before 9

Spoke with a few people in the street and this does not give people confidence.

It is the only Sri Lanka restaurant within 30 miles

One in Cardiff other Swansea so is likely to be extremely busy.

I for one are not happy a licence would be granted and what like to go further if possible

Cheers

Regards

Cllr Andrew Farina-Childs

Cynghorydd Sir - Coed Duon | County Councillor - Blackwood

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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From: [mailto:]
Sent: 24 July 2021 20:48
To: Cllr. Etheridge, Kevin; nigeldix@caerphilly.gov.uk
Subject: Objection to granting of licence in Chef Ceylon

Hi Kevin, Nigel,

I would to bring to your attention my objections to a licence being granted to serve alcohol from 11am to 12 midnight at the Chef Ceylon.

I live at ** Bridge Street Blackwood and have done since 1988. The reasons for my objections are due to the problems we had when the Masons Arms was open as a pub, with the ensuing anti-social behaviour we had to endure during this time. Some of which were,

- Drunk men and women fighting in the street,
- loud noise from people leaving the pub late at night,
- loud noise from the establishment,
- cars being damaged,
- unable to park in the street,
- drunk people entering homes,
- criminal damage to property,
- Couples having sexual intercourse in the back lane during daylight hours,
- being threatened with physical violence when asking people to be quiet,

Kevin, As you supported us during this period, you are more than aware of the issues we had and the stresses this caused, (especially as my wife, Carol, had to appear in court when we raised objections to the licence at the time).

During this time Martin, the owner of the Masons at the time, promised that the Masons would be a family pub, run for locals, with no loud music, pub garden would not be used after 9pm etc. He quickly fell back on these promises, and the trouble we had after the Masons Arms became the 'in place' to go, with people travelling surrounding valleys and further afield, made Thursdays, Fridays and Saturdays a misery to live here. This became so bad that some of our neighbours, who were friends of ours, decided to move house.

Thanks,

Best regards,

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Hi Rhys

Thank you for the email including objections to the sale of alcohol licence. We recognise the concerns and hope to work with the local residents.

We are first and foremostly a good quality restaurant serving authentic Sri Lankan food as you know already. We hope to aim for the type of clientele who want good food and good service in a tasteful environment. There are five en-suite bedrooms upstairs which we plan to upgrade to provide rooms for B&B so we need to provide a calm environment. We do not wish to attract large groups whose main aim is to drink. We are an eating establishment. In order for that we will amend the hours we have applied for in the week Monday, Tues and Wednesday from 12 pm until 22 hrs and then Thurs, Friday, Saturday 11am until 24 hrs And then Sunday 11am until 21hrs Only those that have ordered food towards the end of the night and before the kitchen closes will be served alcohol until the licensed time. The mentioned times are for sale of Alcohol and times will differ from opening hours.

We are fortunate to have a decent sized car park for our customers and those being dropped off by taxi. We will ensure that customers leaving the restaurant do so in a mindful manner with notices put up. We are in the process of installing CCTV inside and outside the property and those wishing to dine outside will be monitored by the designated supervisor or waiting staff at regular intervals and any concerns reported to a senior staff member to deal with.

We hope that the neighbouring residents are reassured with the above. Please let me know if there is any suggestions. We tried our best.

Many thanks

best regards
Medha

Hi Rhys

As we discussed I have read the Police report and their concerns. Yes, we would definitely adhere to and follow the guidance responsible. And agreed with those concerns they raised.

The below-mentioned amended time to confirm in writing for your reference.

CHEF CEYLON OPENING TIMES

DATE	TIME
MONDAY	11.00 - 22.30
TUESDAY	11.00 - 22.30
WEDNESDAY	11.00 - 22.30
THURSDAY	11.00 - 24.00
FRIDAY	11.00 - 24.00
SATURDAY	11.00 - 24.00
SUNDAY	11.00 - 21.00

CHEF CEYLON SALE OF ALCOHOL TIMES

DATE	TIME
MONDAY	12.00 - 22.00
TUESDAY	12.00 - 22.00
WEDNESDAY	12.00 - 22.00
THURSDAY	11.00 - 23.30
FRIDAY	11.00 - 23.30
SATURDAY	11.00 - 23.30
SUNDAY	12.00 - 20.30

On Thu, 22 Jul 2021 at 13:21, WWW: Licensing <LICENSING@caerphilly.gov.uk> wrote:

Hi Medha,

Please see attached Police representations as discussed. As before, please let me know if you are happy with these suggested conditions.

Kind regards,

Rhys Furmage

Swyddog Trwyddedu | Licensing Officer

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

- **Supply of Alcohol (on sales only)**
Monday to Wednesday 12.00 to 22.00
Thursday to Saturday 11.00 to 23.30
Sunday 12.00 to 20.30
- **Late Night Refreshment – (Indoors only)**
Monday to Sunday 23.00 to 24.00

1.CCTV shall be installed at the premises and shall cover all areas of the premises to which the public have access except for the toilets. The CCTV equipment shall be maintained in good working order and shall continuously record at all times during which licensable activities are carried on at the premises. The video and images captured shall be of a sufficient quality to enable the facial recognition of persons recorded and the correct time and date shall be generated onto both the recording and real-time image screen. All video and images captured by the CCTV system shall be stored for a period of at least 28 days and shall be provided on a recognised portable medium (e.g. DVD, memory stick or SD card) to an authorised officer of the licensing authority or a constable without delay upon request.

If the CCTV equipment breaks down, the Licensing Authority and the Police shall be informed verbally of such breakdown as soon as is reasonably practicable. A record of the name of the individuals to whom such report is made together with the date and time of the report shall be recorded in the incident report register referred to in condition 6 below. CCTV equipment failures shall be repaired or the equipment replaced (as appropriate) as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

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

2.Clear notices shall be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.

3.The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in the premises, especially for outdoor events/use.

4.The premises shall be cleared of customers within 30 minutes of the terminal hour for alcohol sales on any day.

5.There shall be no licensable activities carried on in the outdoor areas of the premises after 21:00 on any day.

6.An incident report logbook for the premises shall be maintained, in which shall be recorded all incidents of anti-social behaviour, aggression, fighting and like behaviour as well as ejections and refused sales. The details of persons involved, incident description, time and date, actions taken and final outcome of the situation shall be recorded. Records shall be kept for a minimum of 12 months. The logbook shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request.

7.The premises licence holder shall ensure that a sufficient number of suitable receptacles are located in appropriate locations for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter, etc. by customers.

8. No waste shall be placed in external receptacles between the hours of 22:00 and 08:00.

9. The premises supervisor, manager or other competent person shall manage the outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner, and measures ~~are~~ shall be put in place to monitor the external areas on a regular basis.

10. Staff shall make regular patrols in the immediate vicinity to ensure noise nuisance does not occur at the nearest residential property.

11. All staff shall be trained in the prevention of underage sales and dealing with difficult customers to a level commensurate with their duties. All such training shall be updated as necessary, for instance when legislation changes. A written record shall be kept of the date and nature of such training as well as the name of the trainer and the staff member receiving it and such record shall be 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.

12. The 'Challenge 25' scheme shall be adopted and implemented, 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 customer's 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 at all bars in the premises.

13. The premises licence holder shall put and keep in place suitable measures in order to prevent the premises from becoming a source of noise or light nuisance to the occupants surrounding properties.