

# Public Document Pack

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

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



[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

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

**Date: 17th October 2022**

To Whom It May Concern,

A multi-locational meeting of the **Licensing and Gambling Sub Committee** will be held in Penallta House, and via Microsoft Teams on **Friday, 21st October, 2022 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

Members of the public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly>

This meeting will be live-streamed and a recording 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's website](#).

Yours faithfully,

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

**Christina Harrhy**  
CHIEF EXECUTIVE

## A G E N D A

Pages

- 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 Variation of a Premises Licence Application - Rhymney Garage, Victoria Road, Rhymney, NP22 5NU.

1 - 62

**Circulation:**

Councillors M.A. Adams (Vice Chair Presiding), Mrs P. Cook and J.E. Roberts

And Appropriate Officers

**HOW WE WILL USE YOUR INFORMATION**

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

You have a number of rights in relation to your information, including the rights of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed. For further information on how we process your information and your rights please view the [Full Committee Meetings Privacy Notice](#) on our website or contact Legal Services by email [griffd2@caerphilly.gov.uk](mailto:griffd2@caerphilly.gov.uk) or telephone 01443 863028.



## LICENSING AND GAMBLING SUB COMMITTEE – 21ST OCTOBER 2022

**SUBJECT: VARIATION OF A PREMISES LICENCE APPLICATION**

**REPORT BY: KATHRYN HOPKINS - SENIOR LICENSING OFFICER**

### 1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Nakendram Piratheepan	Rhymney Garage Victoria Road, Rhymney NP22 5NU	Variation of a premises licence

#### 1.1 Application to Vary a Premises Licence

On 30/08/2022, an application for the variation of an existing premises licence under the Licensing Act 2003 was made in respect of the above-mentioned premise. The proposed application for consideration is set out in **1.3** of this report.

##### Brief History

The premise licence was approved following a Licensing & Gambling Sub Committee on 13<sup>th</sup> August 2021. The applicant initially applied for a 24-hour licence to sell alcohol, but this was revised by the applicant during the consultation period to reflect 05.00 to 02.00. However, at the hearing, Members determined to approve the sale of alcohol between 07.30hrs to 23.00hrs.

#### 1.2 Current Trading Times and Licensable Activity

##### **Supply of Alcohol (Off Sales only)**

Monday to Sunday, inclusive 07.30 - 23.00

The current Premise Licence (PRM038) is reproduced as **Appendix 1**.

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

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

- **Supply of Alcohol (Off Sales only)**

Monday to Sunday inclusive, 06.00 – 01.00

Essentially, this is an extra 1½ hours in the morning and an extra 2 hours at night.

### **1.4 Site Plan/Photographs**

The plan of the licensed area is reproduced as **Appendix 2**. *Please note the plan that forms part of the current licence is currently subject to a minor variation to address changes to layout.*

A location plan is reproduced as **Appendix 3**.

Images of the premise are reproduced for Members information as **Appendix 4**

### **1.5 Other Licensed Premises in the Vicinity/Trading Times**

A list of licensed premises in proximity to Rhymney Garage authorised to sell alcohol is reproduced as **Appendix 5**.

### **1.6 Operating Schedule**

The applicant has not volunteered any measures as part of the Operating Schedule, to promote the Licensing Objectives.

### **1.7 RELEVANT CONSIDERATIONS**

Caerphilly County Borough Council Licensing Policy **Appendix 6**

National Guidance **Appendix 7**

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

Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.

Relevant representations have been received in respect of this application and so it must be determined by a Licensing Hearing Panel in accordance with the Council's Constitution and Licensing Act 2003.

### 1.8.1 Responsible Authorities:

#### Police

Document	Date Received	Appendix Reference
<b>Objection</b>	<b>14/09/2022</b>	<b>Appendix 8</b>
<b>Supplementary comments</b>	<b>10/10/2022</b>	<b>Appendix 8a</b>

#### Environmental Health (Noise)

Document	Date Received	Appendix Reference
<b>Objection</b>	<b>20/09/2022</b>	<b>Appendix 9</b>

#### Licensing Authority (In role as Responsible Authority)

Document	Date Received	Appendix Reference
<b>Objection</b>	<b>26/09/2022 (revised 27/09/2022)</b>	<b>Appendix 10</b>

#### Trading Standards

Document	Date Received	Appendix Reference
<b>Objection</b>	<b>26/09/2022</b>	<b>Appendix 11</b>

The following responsible authorities, Environmental Health (Health & Safety) and Children's Services have indicated that they have no representations in respect of the application. There were no resident representations received opposing the application.

## 1.9 SUMMARY OF REPRESENTATIONS

### Heddlu Gwent Police

Heddlu Gwent Police have raised an objection to the application and revised hours proposed by the applicant in view of existing alcohol and anti-social behaviour issues within the Rhymney area.

Gwent Police detailed that they objected to the original application in 2021 for the granting of the proposed licensed trading times of 24 hours and at that point stated that they would advocate for the hours to be 07.30 – 23.00 hours Monday to Sunday which was agreed by the Licensing & Gambling Sub Committee. Gwent Police detailed that their position has not changed and do not support any additional hours added to the licence.

The Police detailed that the premise is a petrol station with a forecourt and a small building which is used as a convenience store. The premise is situated on the main street of Rhymney and is close to residential properties, a library and a public car park. Within the nearby vicinity there are several other off licences and Public Houses. The Police identify that off sales provision typically ends between 22:30/23:00 hours each day.

The Police explained in 2021, the fundamental role of the local Inspector was to oversee Crime and Disorder in the area ensuring that all plans and patrols were in place to keep incidents to a minimum, facilitating long term plans with partners to assist in this process and ensuring a minimal detrimental impact on the quality of life for residents who live in the area.

The applicant was advised that Gwent Police were working with partners to assist in the issues that contribute to the high number of calls in Rhymney and that funding through the

Home Office Safer Streets initiative was received to further strengthen efforts in driving down crime.

The Police indicate that there is a clear link between alcohol and Anti-Social Behaviour and the area is suffering high levels of Anti-Social behaviour and Crime. Gwent Police believe that any additional hours afforded to the licence would have a detrimental effect on the area and an increase in calls to the Police.

Since the granting of the licence, comment was made that there had been calls made to the Police from Rhymney Garage which included a Knife Point Robbery and Theft, where the member of staff had refused to provide a statement. Since the licence had been granted it was reported that there had been a total of 43 police calls to Victoria Road, Rhymney which reaffirms Gwent Police's position. The calls include incidents of Anti-Social Behaviour, Criminal Damage, Robbery, Theft, Burglary and Violence.

Supplementary comments received from the Police clarified that there had been a total of 60 calls/incidents as opposed to 43 referred to above on Victoria Road, Rhymney until 14<sup>th</sup> September 2022.

The Police suggest that the applicant has shown a lack of regard towards the local area and the ongoing work by Police and Partner agencies by not taking into consideration the information that was disclosed to him last year. They referenced the applicant has not offered up any further conditions or contacted any of the Responsible Authorities prior to submitting this application.

The Police commented that their position had not changed and believe the current licence is adequate, and any additional hours to the supply of alcohol would have a negative impact on the local area, damage ongoing partnership work and undermine the licensing objectives.

### **Licensing Authority (In its role as a Responsible Authority)**

The Licensing Authority recorded an objection to extend the current hours for the sale of alcohol for consumption off the premises. Comment was expressed that the applicant has only benefited from a premises licence at this site since August 2021.

Reference was made to the representations submitted by Heddlu Gwent Police, which suggested that the area is still subject to high levels of Anti-Social Behaviour and Crime, where several agencies continue to work within the area to address these issues.

Concern was expressed that in the past few months, two incidents had occurred where alcohol had been stolen. In one of the incidents a staff member had failed to support the Police in their enquiries. Comment was expressed that these incidents demonstrated the crime and disorder licensing objective is not being promoted.

Reference is made to the applicant failing to contact the appropriate Responsible Authorities to discuss his proposals which would appear to show a lack of regard towards the local area.

It was noted by the officer that the applicant had not offered any additional steps within the application to promote the licensing objectives as referenced in the Council's statement of licensing policy in relation to the day-to-day operation of the business, its location, type of premises, licensable activities to be provided and needs of the local community.

Concern was expressed regarding a recent compliance visit to the premises undertaken by licensing officers, where it appeared that some of the current conditions of licence were not being adhered to. This included the absence of a Challenge 25 sign at the entrance to the premises, staff training records were unavailable for inspection, and the member of staff unable to operate the CCTV equipment. Reference was made that the applicant had failed to address changes to the premises layout in the variation application.

In view of the above, the Licensing Authority maintained their objection to this application and support the representations submitted by Heddlu Gwent Police.

### **Environmental Health (Noise Pollution)**

Environmental Health Pollution officer detailed awareness of the anti-social behaviour issues in the Rhymney area and whilst they had not received complaints directly associated with the premises, were conscious of the fact that the area is primarily residential in nature. Concern was expressed that if the variation application was approved there could be residents disturbed by people visiting the premises during the late night/early hours and the potential increase in anti-social behaviour should the hours be extended. The Environmental Health Officer detailed their objection in relation to the prevention of public nuisance licensing objective.

### **Trading Standards**

The Trading Standards officer expressed concerns in relation to the application to extend alcohol hours. The officer acknowledged the ongoing issues in the area given the recent Trading standards exercise, which revealed children under 18 were accessing alcohol and the concern regarding a recent breach in respect of challenge 25 signage and supported the Police objection.

## **1.10 APPLICANT RESPONSE**

At the time of preparing this report, the applicant has not responded to the objection from Heddlu Gwent Police, Licensing Authority, Environmental Health (Noise Pollution) or Trading Standards.

Whilst the applicant has not replied to the Responsible Authorities, the applicant's agent has submitted a petition consisting of 29 names and addresses of individuals in support of the application to sell alcohol between 06.00 to 01.00. A copy of the same is reproduced at **Appendix 12**.

However, the applicant has responded in relation to a recent compliance visit conducted on 23<sup>rd</sup> September 2022 and has submitted a minor variation application to amend plan/layout.

## **1.11 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.

In addition to the above, in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

Furthermore, the Sub Committee may accept hearsay evidence and it will be a matter for the members to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.

## **1.12 OBSERVATIONS**

This variation application seeks to increase the permitted sale of alcohol provision making alcohol available from 06.00 to 01.00 Monday to Sunday, whereas the current permitted hours allow the sale of alcohol between 07.30hrs to 23.00hrs. Essentially, this is an extra 1½ hours in the morning and an extra 2 hours at night.

Following the 28-day consultation on the variation application, Gwent Police objected to the application in relation to the increased hours, identifying that the area is affected by alcohol and anti-social behaviour issues and made reference to the amount of Police calls received to the area in relation to crime and disorder. The Police are acknowledged as the lead source of advice in relation to the prevention of crime and disorder licensing objective.

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.*

Paragraph 2.1 of the Section 182 Home Office National Guidance advocates that '*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)*'.

Gwent Police detail that any additional hours would have a detrimental impact on the area and increased calls to the Police. Since the licence had been granted, the Police had received 60 calls in relation to ASB, Criminal damage, Robbery, Theft, Burglary and Violence on Victoria Road where the premises is located.

The Police detail that the applicant has shown a lack of regard to the local area and highlights the failure to take into consideration information provided at the previous hearing in August 2021. The Police believe the existing hours to be adequate, and any additional hours would have a negative impact on the area, damage ongoing partnership work and undermine the licensing objectives.

Objections were also raised from Environmental Health (Noise Pollution), Licensing Authority and Trading Standards.

The Licensing Authority supported the objection made by Gwent Police and was concerned to note since the licence has been granted, two incidents had occurred where alcohol had been stolen. Furthermore, that an employee at the business had failed to support a Police investigation in relation to the above. The responsible authority expressed concern that these incidents demonstrated the crime and disorder licensing objective was not being promoted.

In addition, the applicant has failed to contact the appropriate Responsible Authorities to discuss his proposals prior to submitting his application. Paragraph 10.3 of the councils licensing policy states '*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*'.

The Police and Licensing Authority (in its role as a responsible authority) allude to the application to increase alcohol hours appearing to show a lack of regard towards the local area. Paragraph 5.7 of the Councils policy states '*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*'.

Both Police and Licensing Authority (in its role as a responsible Authority) detailed that the applicant has not offered any additional steps within the application to promote the licensing objectives. Paragraph 26.2 of the council's statement of licensing policy states '*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.'*

Paragraph 8.42 of the Section 182 Home Office National Guidance echoes the above requirements by licensees and states - *'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.'*

Paragraph 5.4 of the council's statement of licensing policy offers advice in relation to permitted hours for the sale of alcohol and consideration of the local environment and states *'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.'*

Paragraph 5.5 of the council's statement of licensing policy highlights the effect on applications where alcohol hours have not been properly considered and states *'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.'*

Paragraph 7.4 of the council's statement of licensing policy states *'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.'*

A review of alcohol licensed premises in the Rhymney area undertaken (Appendix 5) has demonstrated that the applicant's permitted sale of alcohol permissions are in line with the majority of other licensed premises in the area. Whilst the authority has not introduced fixed closing times and zoning within its area, the Police through their representations advocate against increased alcohol provision given the local concerns regarding Crime & Disorder and Anti-Social behaviour. These concerns they indicate that they made in relation to the initial application for a premises licence in August 2021.

It is noted that the Licensing Authority in its role as a Responsible Authority has identified the failure of the applicant to engage with Responsible Authorities to seek pre-application advice where any local issues could be addressed with the applicant.

The Licensing Authority expressed concern that the applicant had failed to tailor their application, proposed hours and queries the quality of the operating schedule given the prevailing issues within the local area. Paragraph 5.7 of the council's statement of licensing policy provides advice to Members and details *'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.'*

Paragraph 10.15 of the Section 182 Home Office National Guidance provides advice to Members *'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.'* In this instance, Gwent Police and other Responsible Authorities have articulated their concerns in respect of the hours proposed by the applicant given current issues being experienced in Rhymney area.

Paragraph 10.4 of the council's statement of licensing policy advocates that applicants demonstrate knowledge of customers/locations, the failure to do so may lead to representations and states *'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?*

Paragraph 1.17 of the Section 182 Home Office National Guidance states – *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.*

The Responsible Authorities have considered the merits of the application to vary the permitted hours at Rhymney Garage and have concluded that the licensing objectives would be undermined by granting increased hours.

The Licensing Authority (in its role as a responsible authority) expressed concern that a recent compliance check of the premise identified non-compliance with a number of conditions of licence. This included absence of challenge 25 signage, staff training records unavailable for inspection, member of staff unable to operate CCTV equipment and the layout of the premises not reflecting the premises plan.

Paragraph 19.7 of the councils licensing policy states *'It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority'*.

The outcome of the recent compliance visit was commented upon by Trading Standards who expressed concern about the absence of the challenge 25 signage given existing underage issues in the area. Following the identification of the above non-compliance officers have received a minor variation application and notification for the licence holder that the breaches have been rectified. Officers will re-visit the premise to verify the position.

The applicant has submitted details of individuals in support of the increased hours proposed in the application via a petition. Members will consider what weight they will afford to the petition and will consider whether all parties understood the implication of what they were signing. It should be noted that the individuals detailed appear to reside between 0.2 to 7.9 miles from the premises. Members will note that there were no resident objections received to the increased hours sought.

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.

### **1.13 RECOMMENDATION**

Given the concerns raised by the Responsible Authorities in relation to the failure to seek advice prior to submitting the application, a failure to demonstrate a regard to the local area and local prevailing conditions i.e existing crime & anti-social behaviour prevalent in the Rhymney area, which has not changed since August 2021. These concerns raised by the Police, the lead responsible authority for the prevention of Crime & Disorder.

Furthermore, the failure to identify any measures which would form part of the operating schedule for the additional hours sought. The outcome of a recent compliance visit and failure to support a Police investigation appear to demonstrate a lack of regard for the Licensing Objectives generally.

The current permissions for the sale of alcohol mirror that held by other licensed premises in the area.

The Responsible Authorities appear to have considered the individual merits of the application based on their local knowledge, however, it appears the applicant has failed to adequately consider the same.

Having had regard to the objections received from Gwent Police, Licensing Authority, and Environmental Health, supported by the comments of Trading Standards, it is recommended that the **application to vary the premises licence be refused.**

Background Papers:

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

[Link to Caerphilly CBC Statement of Licensing Policy \(2021\)](#)

Date of this report: 13<sup>th</sup> October 2022

Author: Kathryn Hopkins – Senior Licensing Officer Tel: 01443 866750  
email hopkik1@caerphilly.gov.uk

This page is intentionally left blank



## PREMISES LICENCE SUMMARY

<b>Premises Licence Number</b>	PRM038
--------------------------------	--------

**Premises Details**

Postal address of premises, or if none, ordnance survey map reference or description  Rhymney Garage Victoria Road Rhymney NP22 5NU
Telephone number      07365 295052

Where the licence is time limited the dates  Not applicable
---

Licensable activities authorised by the licence  Supply of alcohol
--

The times the licence authorises the carrying out of licensable activities  <b>Alcohol</b>  a. Monday to Sunday - 07.30 - 23.00
---

The opening hours of the premises  a. Monday to Sunday - 00.00 - 23.59
--

Where the licence authorises supplies of alcohol whether these are on and/or off supplies  Supply of alcohol for consumption off the premises
---

PRM038-02/12/2021-001	1
-----------------------	---

Name (registered) address of holder of premises licence  
Nakendram Piratheepan  
29 Ffordd y Glowyr  
Mountain Ash  
CF45 4FD

Registered number of holder, for example company number, charity number  
(where applicable)

Not applicable

Name of designated premises supervisor where the premises licence  
authorises for the supply of alcohol

Nakendram Piratheepan

State whether access to the premises by children is restricted or prohibited

Not applicable





## PREMISES LICENCE

Premises Licence Number	PRM038
-------------------------	--------

**Part 1 – Premises details**

Postal address of premises, or if none, ordnance survey map reference or description  Rhymney Garage Victoria Road Rhymney NP22 5NU
Telephone number 07365 295052

Where the licence is time limited the dates  Not applicable
---

Licensable activities authorised by the licence  Supply of alcohol
--

The times the licence authorises the carrying out of licensable activities  <b>Alcohol</b>  a. Monday to Sunday - 07.30 - 23.00
---

The opening hours of the premises  a. Monday to Sunday - 00.00 - 23.59
--

Where the licence authorises supplies of alcohol whether these are on and/or off supplies  Supply of alcohol for consumption off the premises
---

PRM038-02/12/2021-001	3
-----------------------	---

**Part 2**

Name (registered) address, telephone number and e mail (where relevant of holder of premises licence)

Nakendram Piratheepan  
29 Ffordd y Glowyr  
Mountain Ash  
CF45 4FD

Registered number of holder, for example, company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Nakendram Piratheepan  
29 Ffordd y Glowyr  
Mountain Ash  
CF45 4FD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

09/00641/LAPER

Bristol City Council

## Annex 1 – Mandatory Conditions

### Mandatory conditions where licence authorises supply of alcohol

1. Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
2. No supply of alcohol may be made under the premises licence –
  - at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
3. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.

### Mandatory condition: banning of the sale of alcohol below the cost of duty plus VAT

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price, which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 -
  - “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - “permitted price” is the price found by applying the formula –
$$P=D+(D \times V)$$

Where

P is the permitted price

D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

“relevant person” means, in relation to premises in respect of which there is in force a premises licence –

the holder of the premises licence,

the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“Value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

- (3) Where the permitted price given by paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given that sub-paragraph rounded up to the nearest penny.

(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price, which would apply on the first day, applies to sales or supplies of alcohol, which take place before the expiry of the period of 14 days beginning on the second day.

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

**Not applicable**

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

1. CCTV shall be in use at the premises and shall cover the whole of both the inside and outside areas of the premises. The video and images captured by the CCTV shall be of a sufficient quality to enable the facial recognition of all persons entering the premises. The CCTV shall be fully operational at all times during which alcohol is available for sale from the premises.

The CCTV equipment shall be maintained in good working order and the premises licence holder shall ensure images from the CCTV are retained for a period of 30 days. This image retention period may be reviewed as appropriate by the Licensing Authority. The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment (including any mobile units in use at the premises) breaks down, the Premises Licence Holder shall ensure the designated premises supervisor (DPS), 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 (referred to in condition 2 below) and shall include the date and time this was done and the name of the individual to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

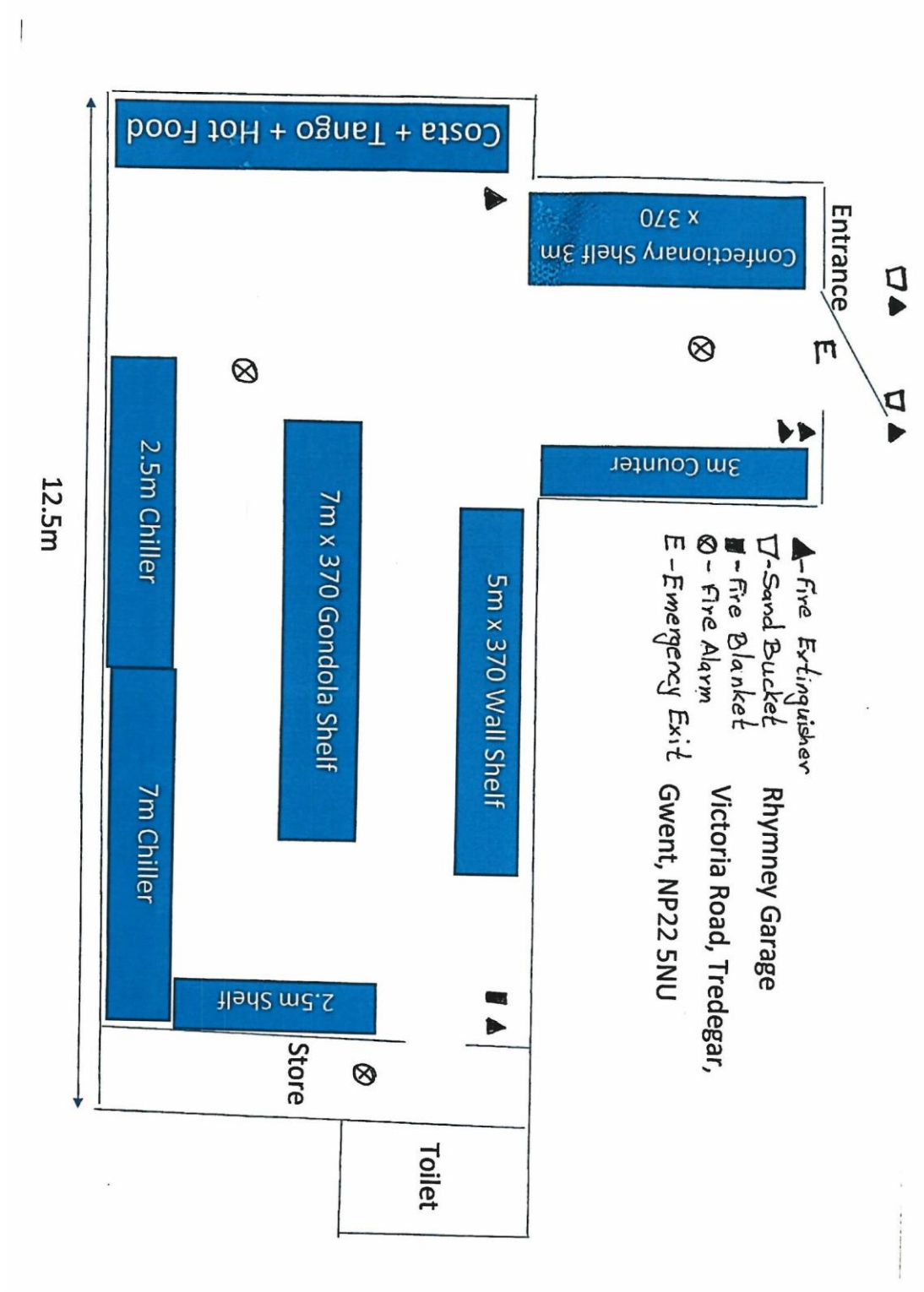
The premises licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images onto a suitable portable medium (e.g. DVD, SD card, memory stick) which shall be provided to any authorised officer of the Licensing Authority or a constable without delay upon request.

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

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

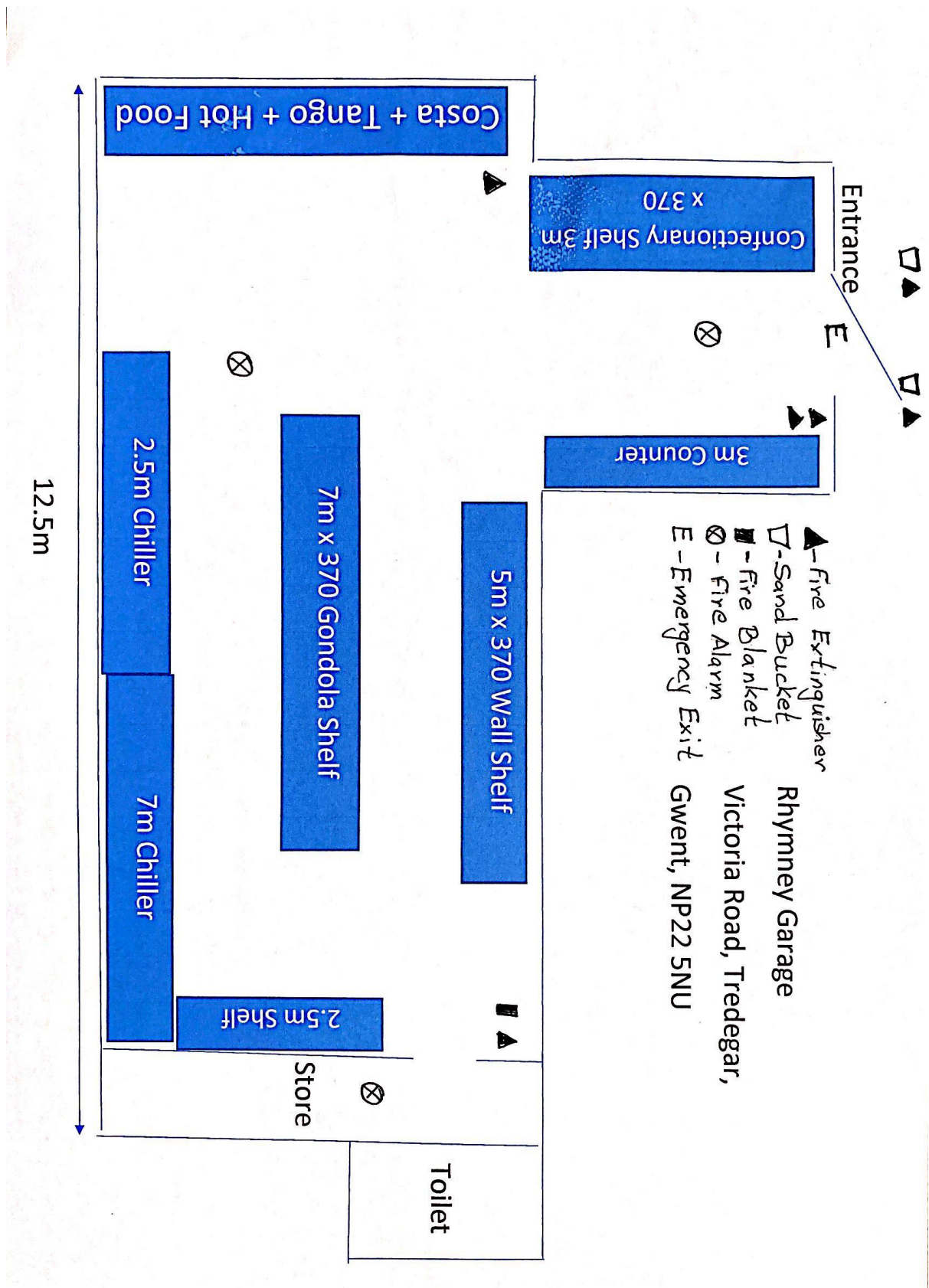
3. The premises licence holder shall ensure that a sufficient number of suitable waste bins are located in appropriate locations on the premises for the depositing of waste materials such as food wrappings, drinks containers, etc. by customers and shall further ensure that such receptacles are emptied when full.
4. All sales of alcohol shall be processed through the EPOS terminal/s, which shall give a till prompt to staff reminding them to verify the age of the customer when alcohol is being purchased.
5. All spirit drinks shall be located behind the counter out of the reach of customers and shall not be displayed for sale in any other part of the premises. "Spirit drink" means any alcoholic drink with an alcohol content greater than 15% ABV.
6. All staff/members who serve alcohol shall be trained in the prevention of underage sales to a level commensurate with their duties, including but not limited to the requirements of the 'Challenge 25' scheme set out in condition 7 below. All such training shall be updated as necessary, for instance when legislation changes, and should include training on how to deal with difficult customers and customers who are intoxicated or under the influence of illicit substances. 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.
7. The 'Challenge 25' Scheme, whereby an accepted form of photographic identification shall be required to be produced by a customer appearing to be under the age of 25 before any alcohol is sold to that customer, shall be adopted and implemented.
8. 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 where practicable at each point of sale.

Annex 4 – Plans





Plan of licensed area



This page is intentionally left blank

Location plan of premise

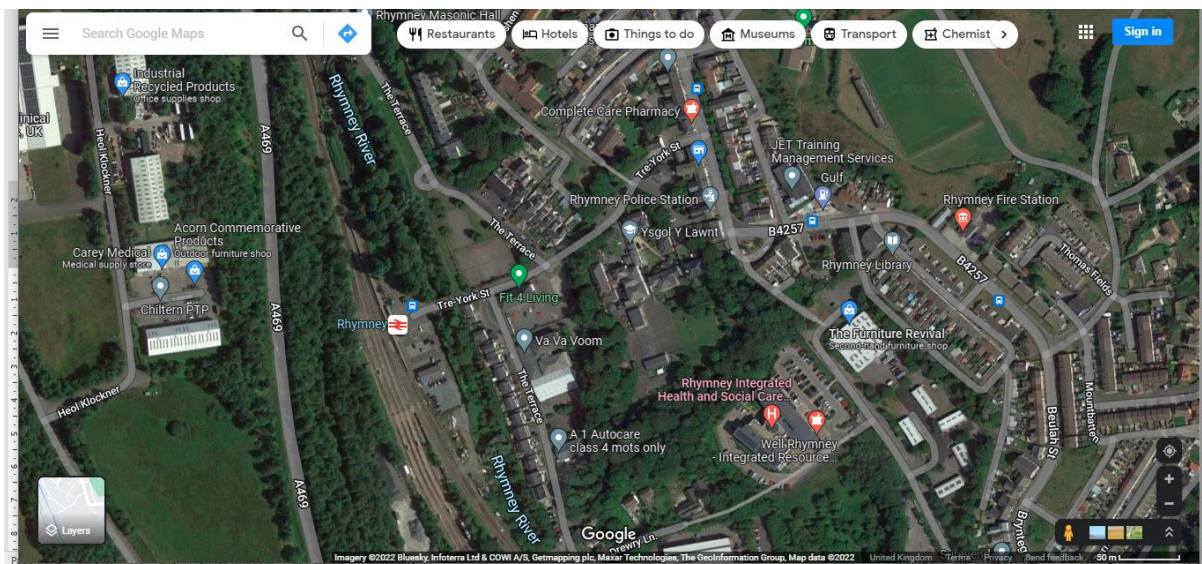
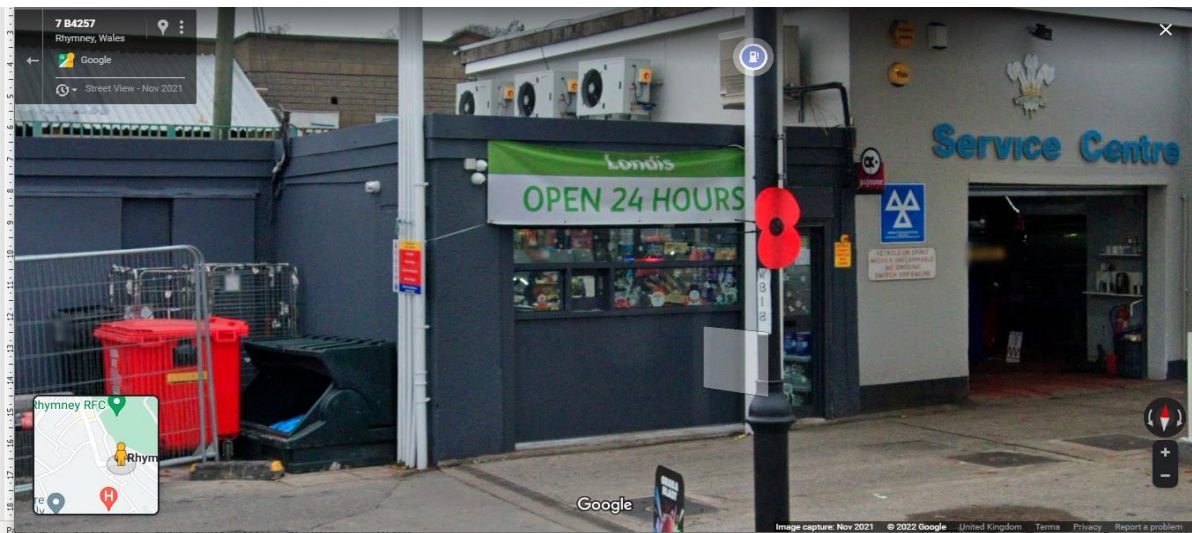


Location of premise

This page is intentionally left blank



Images of the premises



This page is intentionally left blank

Table to show licensed premises in the vicinity and their licensable hours for alcohol off sales and alcohol on/off sales

LICENSED PREMISES (OFF SALES)	ALCOHOL HOURS
1 The Green, Abertysswg, Rhymney	08.00 – 23.00
A&S News, 100A Ty-Coch, Rhymney	08.00 – 23.00
Family Shopper, 35 High Street, Rhymney	06.30 – 23.00
Kaler Wine & Food, 93A High Street, Rhymney	08.00 – 23.00
Nisa Local, 61 High Street, Rhymney	07.00 – 23.00
Rhymney Convenience Store, 1&2 Church Street, Rhymney	08.00 – 23.00
Rhymney Garage, Victoria Road, Rhymney	07.30 – 23.00
Rhymney General Store, 1 Jerusalem Street, Rhymney	08.00 – 23.00
Tan Y Bryn Stores, 119-120 Tan Y Bryn, Rhymney	08.00 – 23.00

PREMISES (ON/OFF SALES)	ALCOHOL HOURS
Farmers Arms, Brewery Row, Rhymney	08.00 – 02.00
Prince of Wales Inn, Prince Town, Rhymney	11.00 – 03.30
Puddlers Arms, Moriah Street, Rhymney	10.00 – 01.00
Rhymney House Hotel, Rhymney Bridge, Rhymney	11.00 – 01.00
Rhymney Social Club, 39A High Street, Rhymney	11.00 – 00.30
Royal Arms Hotel, 34 High Street, Rhymney	08.00 – 00.30

This page is intentionally left blank



## Extract of Statement of Licensing Policy – Implemented January 2021

5.1 Paragraph 10.13 of the Government's current Section 182 Guidance states that: "The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, 8 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"

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?

10.6 The Authority will endeavour to reduce crime and disorder throughout the County in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

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.

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

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

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

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

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.

14.6 Petitions may be accepted if the Authority believes all those that signed the petition understood the implications of what they were signing. Please refer to 28.24 below for further guidance.

19.7 It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority.

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

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

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

26.1 All new and variation applications should incorporate an 'operating schedule' which outlines how the premises will be operated. This should include details of how the applicant will promote the four licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers. The proposals contained in the operating schedule will form the main body of the conditions to be applied to the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application process and any conditions imposed by a licensing sub-committee where representations have been made.

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

26.3 The Licensing Authority will provide general advice on the drafting of operating schedules and applicants are strongly recommended to discuss their operating schedules with the Licensing Authority and other Responsible Authorities prior to submitting them.

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.

28.3 Representations can be made either be in support of an application or to express objections to an application being granted. However the Licensing Authority can only accept "relevant representations." 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.

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

28.6 For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation.

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.

28.9 Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each Responsible Authority to determine when they have appropriate grounds to do so.

28.10 The Licensing Authority recognises that every Responsible Authority can make representations relating to any of the four Licensing Objectives. However the Licensing

Authority would normally expect representations about the promotion of individual Licensing Objectives to come from the most relevant Responsible Authority with expertise in that particular area. For example the Licensing Authority would expect representations about the prevention of crime and disorder to come primarily from the police and representations about the prevention of public nuisance to come primarily from environmental health.

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.

28.24 The Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition:

- We ask that the organiser of the petition identify himself or herself as a central point of contact. We may need to make contact in order to verify certain matters if we are unable to do this it could invalidate the petition.
- Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing.
- Full names and addresses must be supplied
- All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge. We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, th Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we receive is an important consideration when making a decision.

This page is intentionally left blank



## Extract of National Guidance issued under Section 182 of the Licensing Act 2003 – Revised April 2018

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.

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.

9.12 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.

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.

14.52 Statements of licensing policy should set out the licensing authority's approach regarding licensed opening hours and the strategy it considers appropriate for the promotion of the licensing objectives in its area. The statement of licensing policy should emphasise the consideration which will be given to the individual merits of an application. The Government recognises that licensed premises make an important contribution to our local communities, and has given councils a range of tools to effectively manage the different pressures that licensed premises can bring. In determining appropriate strategies around licensed opening hours, licensing authorities cannot seek to restrict the activities of licensed premises where it is not appropriate for the promotion of the licensing objectives to do so.

This page is intentionally left blank

# GWENT POLICE

## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY – Gwent Police

<b>Name of Applicant</b>	Nakendram PIRATHEEPAN
<b>Premises</b>	Rhymney Garage, Victoria Road, Rhymney, NP22 5NU

<b>Your Name</b>	PC7 Daniel Allen
<b>Job Title</b>	Police Constable
<b>Email Address</b>	LicensingWest @gwent.police.uk
<b>Contact Telephone Number</b>	07464653993
<b>Date</b>	14/09/2022

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

<b>Please outline the reasons for your Representations</b>
<p>Gwent Police received an application from Nakendram Pirtaheepan who is seeking to amend the sale of alcohol hours from 07:30- 23:00 hours Monday to Sunday to 06:00 – 01:00 hours Monday to Sunday at Rhymney Garage, Victoria Road, Rhymney, NP22 5NU.</p> <p>On 13/8/2021 the applicant was refused a 24 hours licence for the sale of alcohol at a committee hearing. Gwent Police objected to the original application in 2021 for the granting of the proposed licensed trading times of 24 hours and at that point stated that they would advocate for the hours to be 0730-2300 hours Monday to Sunday which was agreed by the Licensing committee.</p> <p>The premise is a petrol station with a forecourt and a small building which is used as a convenience store. The premise is situated on the main street of Rhymney and is close to residential properties, a library and a public car park. Within the nearby vicinity there are several other off licences and Public Houses. These off licence alcohol supply times end at 22:30/23:00 hours each day.</p> <p>Gwent Police's position has not changed and do not support any additional hours added to the licence. In 2021 Gwent Police explained how the fundamental role of the local Inspector was to oversee Crime and Disorder in the area ensuring that all plans and patrols are in place to keep incidents to a minimum, facilitating long term plans with partners to assist in this process and ensuring a minimal detrimental impact on the quality of life for residents who live in the area.</p> <p>The applicant was told that Gwent Police are working with partners to assist in the issues that contribute to the high number of calls in Rhymney and that we are working through the Home Office Safer Streets initiative to further strengthen our efforts in driving down crime.</p>

Rhymney has several social and economic challenges. There are several agencies working to break that cycle of re-occurring Anti-Social Behaviour by providing both education and enforcement to the residents. There is a clear link between alcohol and Anti-Social Behaviour and the area is suffering high levels of Anti-Social behaviour and Crime. Gwent Police believe that any additional hours to the licence would have a detrimental effect on the area and an increase in calls to the police.

The applicant will also be aware as disclosed in the 2021 objection that due to the large amount of Police calls to the area a Problem Orientated Policing Plan (POP) was created to combat the high volume of calls made in the vicinity.

POP plans are solely a tool used and funded by the Police and are created to tackle issues that we have identified such as a crime series or ASB issues in certain locations over a period. They are used to identify the cause/root of the issue using data as well as other information. The Police complete the actions using partners where appropriate to reduce demand and tackle long term issues.

Since the granting of the licence there has been calls made to the Police from this premise which include a Knife Point Robbery and Theft where the member of staff/ witness refused to provide a statement.

At approx. 06:00 hours on 21/2/22 two males committed a knife point robbery at the premise stealing numerous items and cash. Police Ref: 2200059378.

At approximately 10:35 hours on 26/1/22 a male entered the store, had a verbal argument with a member of staff, took several items and left without payment.

Officers attended the premise and spoke to the member of staff who was working alone. That member of staff refused to provide a statement to the police. Police Ref: 2200028838.

Since the licence has been granted there has been a total of 43 police calls to Victoria Road, Rhymney which reaffirms Gwent Police's position. The calls include incidents of Anti-Social Behaviour, Criminal Damage, Robbery, Theft, Burglary and Violence.

The applicant has shown a lack of regard towards the local area and work that is going on by Police and Partner agencies by not taking into consideration the information that was disclosed to him last year. The applicant has not offered up any further conditions or contacted any of the Responsible Authorities prior to submitting this application.

Gwent Police's position has not changed. The current licence is adequate. Any additional hours to the supply of alcohol would have a negative impact on the local area, damage ongoing partnership work and undermine the licensing objectives.

Gwent Police Object to the application.

**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



**From:** ALLEN, DANIEL <[DANIEL.ALLEN@gwent.police.uk](mailto:DANIEL.ALLEN@gwent.police.uk)>  
**Sent:** 10 October 2022 08:46  
**To:** WWW: Licensing <[licensing@caerphilly.gov.uk](mailto:licensing@caerphilly.gov.uk)>  
**Cc:** Dicks, Annette <[dicksa@caerphilly.gov.uk](mailto:dicksa@caerphilly.gov.uk)>  
**Subject:** Rhymney Garage

Morning,

In relation to the Objection from Gwent Police on 14<sup>th</sup> September 2022, it has been noted that Gwent Police stated that **“Since the licence has been granted there has been a total of 43 police calls to Victoria Road, Rhymney”**. This figure is incorrect and Gwent Police would seek to clarify that there has been 60 calls/ incidents to Victoria Road in that period up until 14<sup>th</sup> September 2022. The attachment contains figures relating to those calls/incidents since the licence was granted and a description of Anti-Social Behaviour categories and headings. I have exhibited this as DA01.

Thanks

Dan

Dan Allen



 [gwent.police.uk](http://gwent.police.uk)

Cwnstabl Heddlu 7 | Police Constable 7 Allen

Trwyddedu | Licensing

Canolfan Datrys Problemau (Gorllewin) | Problem Solving Hub (West)

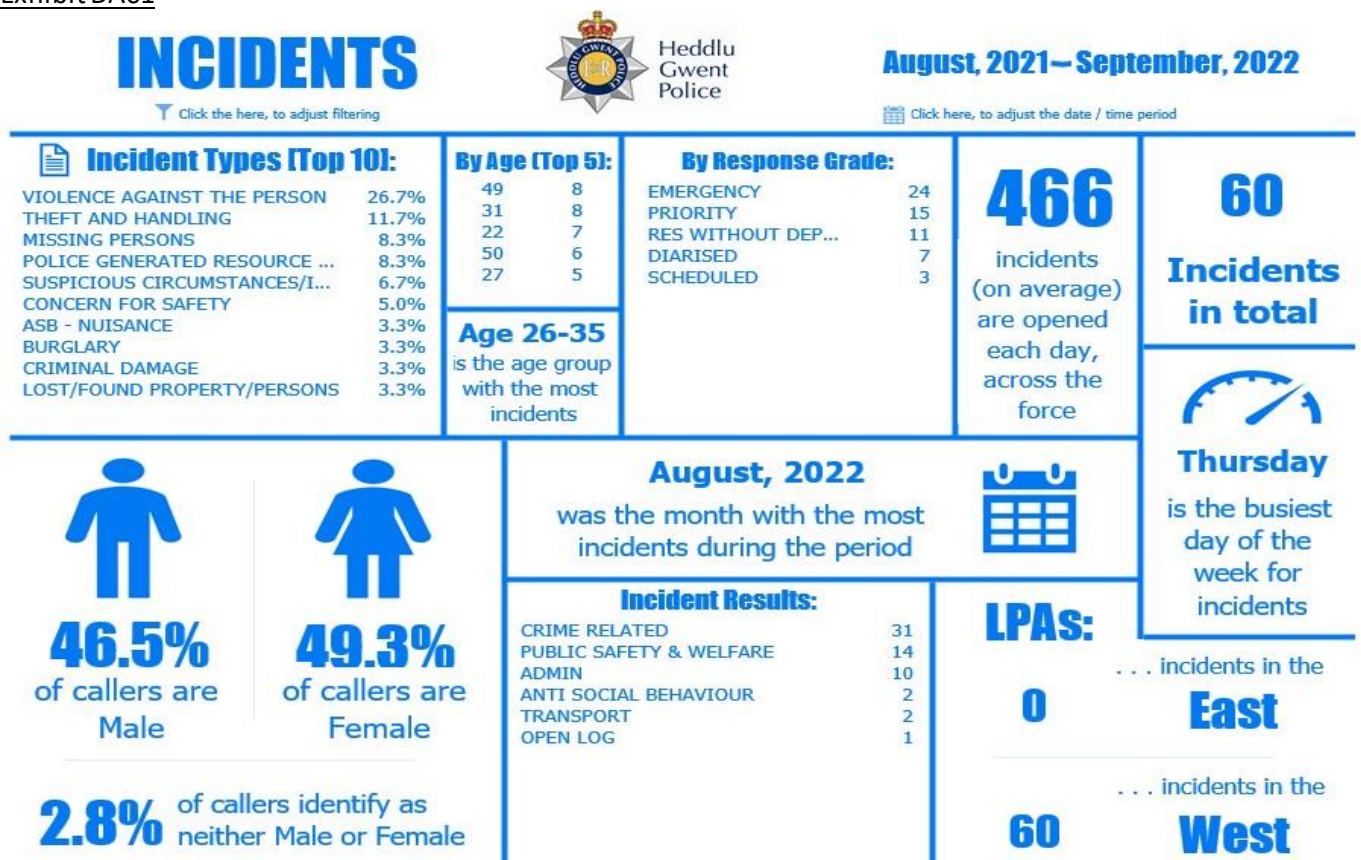
Heddlu Gwent Police

Ffôn symudol | Mobile: 07464653993

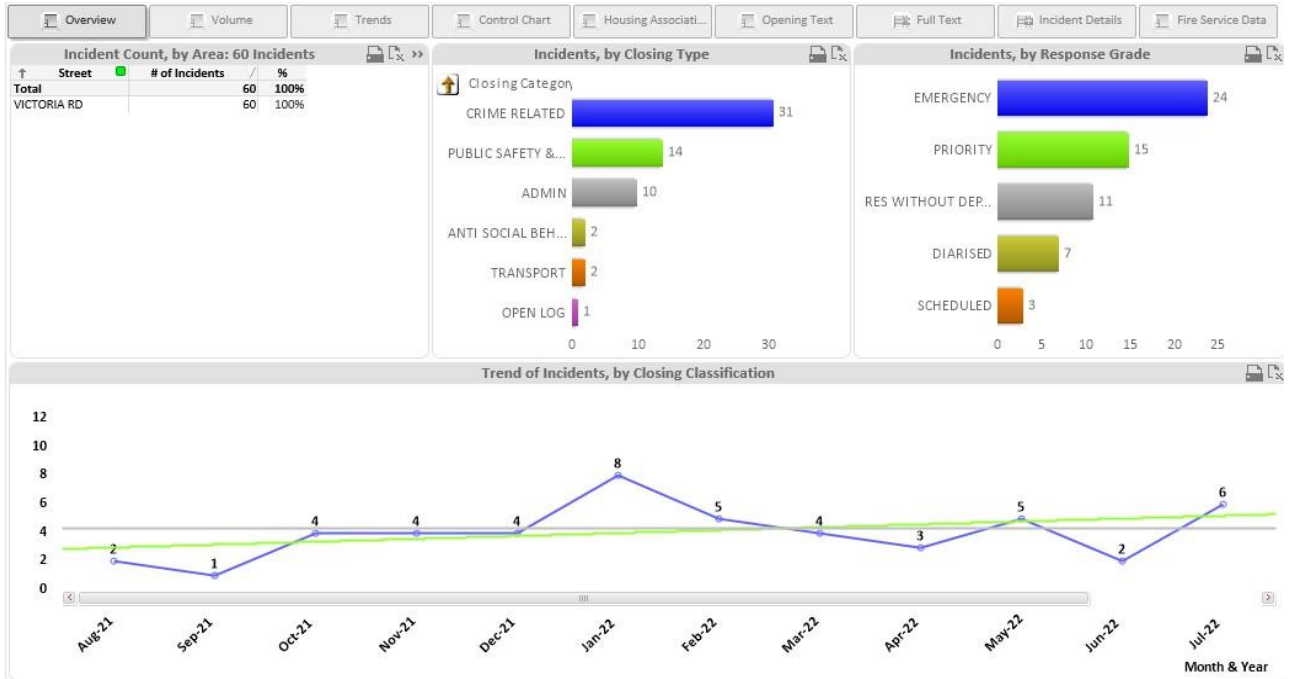
E-bost | E-mail: [daniel.allen@gwent.pnn.police.uk](mailto:daniel.allen@gwent.pnn.police.uk)

Pencadlys yr Heddlu | Police Headquarters | Croesyceiliog | Cwmbrân | NP44 2XJ

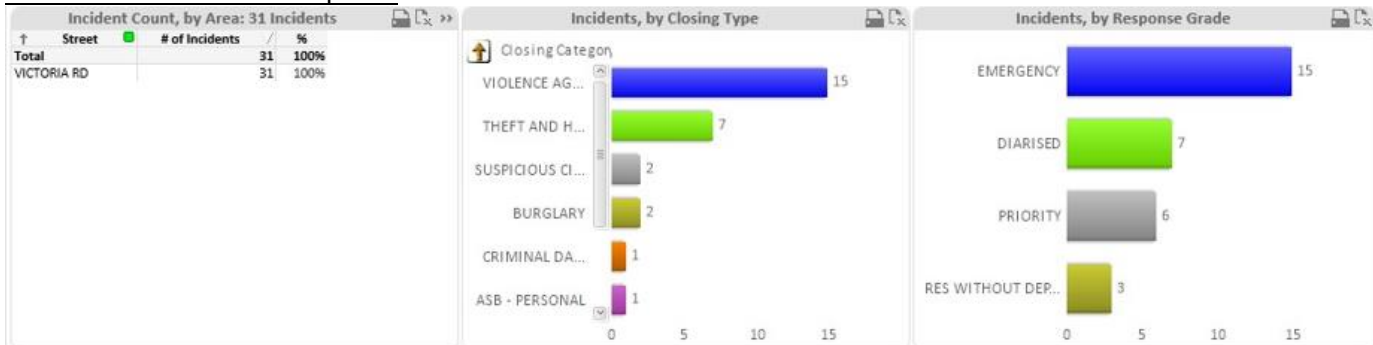
Exhibit DA01



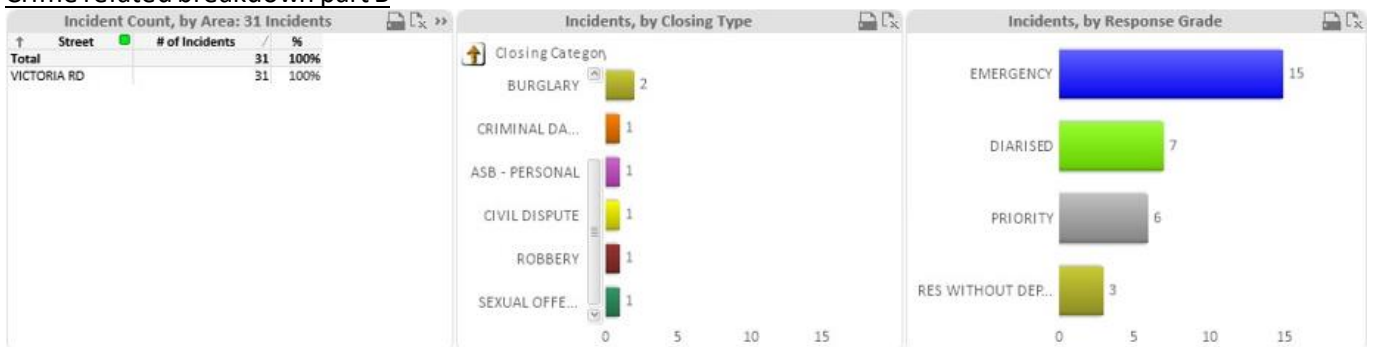
Incidents



Crime Related breakdown part A



Crime related breakdown part B



To note, **Police Generated Recourse** relates to – Lost/ found property, messages and duplicates. **Anti-Social Behaviour** may be documented as a crime if the caller is a repeat victim or if the incident results in threatening, insulting or abusive words or behaviour. This would show as a crime on the attachment/ figures and not Anti-Social Behaviour.

There are three main categories for antisocial behaviour, depending on how many people are affected:

- **Personal antisocial behaviour** is when a person targets a specific individual or group.
- **Nuisance antisocial behaviour** is when a person causes trouble, annoyance or suffering to a community.
- **Environmental antisocial behaviour** is when a person's actions affect the wider environment, such as public spaces or buildings.

Under these main headings antisocial behaviour falls into one of 13 different types:

1. **Vehicle abandoned:** This covers vehicles that appear to have been left by their owner, rather than stolen and abandoned. It includes scrap or 'end of life' vehicles and those damaged at the scene of a road traffic collision that have been abandoned and aren't awaiting recovery.
2. **Vehicle nuisance or inappropriate use:** This relates to vehicles being used in acts such as street cruising (driving up and down the street causing annoyance and bothering other road users), vehicle convoys and riding or driving on land other than a road. It also covers the misuse of go-peds, motorised skateboards and electric-propelled cycles, and the unlicensed dealing of vehicles where a person has two or more vehicles on the same road within 500 metres of each other.
3. **Rowdy or inconsiderate behaviour:** This refers to general nuisance behaviour in a public place or a place to which the public have access, such as private clubs. It does not include domestic-related behaviour, harassment or public disorder which should be reported as crimes.
4. **Rowdy or nuisance neighbours:** This covers any rowdy behaviour or general nuisance caused by neighbours, including boundary and parking disputes. It also covers noise nuisance from parties or playing loud music.
5. **Littering or drugs paraphernalia:** This includes fly posting and discarding litter, rubbish or drugs paraphernalia in any public place.
6. **Animal problems:** This covers any situation where animals are creating a nuisance or people's behaviour associated with the use of animals is deemed as antisocial. It includes uncontrolled animals, stray dogs, barking, fouling and intimidation by an animal.
7. **Trespassing:** This is any situation in which people have entered land, water or premises without lawful authority or permission. It ranges from taking an unauthorised shortcut through a garden to setting up unauthorised campsites.
8. **Nuisance calls:** This covers any type of communication by phone that causes anxiety and annoyance, including silent calls and intrusive 'cold calling' from businesses. It does not cover indecent, threatening or offensive behaviour which should be reported as crimes.

9. **Street drinking:** This relates to unlicensed drinking in public spaces, where the behaviour of the persons involved is deemed as antisocial. It also covers unplanned and spontaneous parties which encroach on the street.
10. **Prostitution-related activity:** This relates to any activity involving prostitution such as loitering, displaying cards or promoting prostitution. It may also refer to activities in and around a brothel that impact on local residents. It does not include 'kerb-crawling' which should be reported as a crime.
11. **Nuisance noise:** This relates to all incidents of noise nuisance that do not involve neighbours (see 'Nuisance neighbours' above).
12. **Begging:** This covers anyone begging or asking for charitable donations in a public place, or encouraging a child to do so, without a license. Unlicensed ticket sellers at or near public transport hubs may also fall into this category.
13. **Misuse of fireworks:** This will include the inappropriate use of fireworks, the unlawful sale or possession of fireworks and noise created by fireworks.

This page is intentionally left blank

Good Afternoon, Paul

I write in response to the application for variation of licensing hours to sell alcohol at Rhymney Garage. Environmental Health is aware of the anti-social behaviour issues in the Rhymney area and whilst we are not receiving complaints directly associated with the premises, we are still very conscious of the fact that the area is primarily residential and we are concerned that if the application is granted to vary the licensable hours at the above premises, that residents could be seriously disturbed by (1) people visiting the premises during the late night and early hours and (2) an increase in anti-social behaviour within the area should the hours be extended. Having reviewed the application and objection raised by the police, we would support the police in offering our own objection in the interest of promoting the prevention of public nuisance licensing objective.

Should you wish to discuss this matter further please feel free to contact me.

Kind Regards

Lee

**Lee-Anthony Carpenter**

Swyddog Rhanbarthol Lechyd Yr Amgylchedd | District Environmental Health Officer  
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

This page is intentionally left blank





## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY– Licensing

<b>Name and Address of Applicant</b>	Mr N Piratheepan
<b>Premises</b>	Rhymney Garage, Victoria Road, Rhymney

<b>Your Name</b>	Annette Dicks <b>Date:</b> 26 <sup>th</sup> September 2022
<b>Job Title</b>	Assistant Licensing Manager
<b>e.mail Address</b>	dicksa@caerphilly.gov.uk
<b>Contact Telephone Number</b>	01443 866750

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

#### **Please outline the reasons for your Representations**

The application to vary the premises licence seeks to extend the current hours for the sale of alcohol for consumption off the premises which is 07:30 to 23:00 Monday to Sunday, to 06:00 to 01:00, as part of a petrol station and convenience store, which operates over a 24-hour period Monday to Sunday. The applicant has only benefited from a premises licence at this site since August 2021, following a hearing of the Licensing & Gambling Sub Committee whereby the applicant had originally requested a 24-hour licence and subsequently modified the application to operate over a 21-hour period (05:00 to 02:00). At that time, given the nature of the application, its location and the problems associated with the area outlined by Heddlu Gwent Police in their representations, the Licensing Authority objected to the application and supported their representations. In addition, as part of its objections, the Licensing Authority stated that the applicant had not been in contact with Responsible Authorities to discuss his proposals where he would have been made aware of the problems associated in the area, and had a lack of regard to the Council's statement of licensing policy which refers to applicants considering the hours they seek and recommending that they discuss their proposals with the appropriate Responsible Authorities ( Paragraphs 5.4; 26.2 & 26.3).

In considering the application now submitted, given the representations submitted by Heddlu Gwent Police, it is apparent that the area is still subject to high levels of Anti-Social Behaviour and Crime, where several agencies continue to work within the area to address these issues. It is also concerning to note that in the past few months, since the licence has been granted, two incidents have occurred on 26/01/22 and 21/02/22, where alcohol has been stolen as part of a theft. In relation to the incident on 26/01/22, having spoken to Police who attended the premises, the staff member refused to provide a witness statement, which suggests that the licensing objective, of the prevention of crime and disorder, is not being promoted. In addition, the applicant has again failed to contact the appropriate Responsible Authorities to discuss his proposals and would appear to show a lack of regard towards the local area. The applicant has not offered any additional steps within the application to promote the licensing objectives. Throughout the Council's statement of licensing policy reference is made to operating schedules satisfactorily addressing the licensing objectives, taking into account the day-to-day operation of the business, its location, type of premises, licensable activities to be provided and needs of the local community. Furthermore, following a recent compliance visit to the premises undertaken by licensing officers, it would appear that some of the current conditions of licence were not being adhered to. It was noted that there was no Challenge 25 sign at the entrance to the premises, staff training records were unavailable for inspection, and the member of staff present at the time of the inspection was unable to operate the CCTV equipment. The applicant has also failed to address, in the current application, changes to the plan which is attached to the premises licence. Having regard to the above, the Licensing Authority would therefore object to this application and support the representations submitted by Heddlu Gwent Police.

<p><b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b></p>	
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p>No</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



## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY (Please delete as applicable) –

<b>Name of Applicant</b>	Nakendram PIRATHEEPAN
<b>Premises</b>	Rhymney Garage, Victoria Road, Rhymney, NP22 5NU

<b>Your Name</b>	Tim Keohane	<b>Date 26/09/2022</b>
<b>Job Title</b>	Senior Trading Standards Officer	
<b>e.mail Address</b>	keohatp@caerphilly.gov.uk	
<b>Contact Telephone Number</b>	01443 811319	

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

<b>Please outline the reasons for your Representations</b>
<p>I have seen Gwent Police's representations with respect to this application to extend their hours to sell alcohol. I am aware of the ongoing issues in the Rhymney area and therefore fully support Gwent Police's representations. Additionally I would have further concerns in extending the hours to sell alcohol as;</p> <ul style="list-style-type: none"> <li>• The applicant has been in breach of current licensing condition requiring publicity materials notifying customers of the operation of the Challenge 25 scheme to be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises. .</li> <li>• A recent exercise conducted by Trading Standards in the Rhymney area, revealed that children under the age of 18 are accessing alcohol.</li> </ul>

<b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b>	N/A
<b>Are you prepared to discuss these representations with the applicant by way of mediation?</b>	Yes

This page is intentionally left blank

Petition from individuals in support of application

**VARIATION OF A PREMISES LICENCE**

Rhymney Garage, of Victoria Road, Rhymney, NP22 5NU

Retail sale of alcohol [off sale] to –

Monday to Sunday 06:00 to 01.00 hours [following day]

We, the undersigned affix our signatures in support for the above application.

Date	Full Name	Full Address	Signature
20/9/22	[Redacted]	[Redacted] HILL ST RHYMNEY Gwent	[Redacted]
20/9/22	[Redacted]	[Redacted] Dyffryn view Rhymney	[Redacted]
20/9/22	[Redacted]	[Redacted] TAN-Y-BLUN RHYMNEY	[Redacted]
20/9/22	[Redacted]	[Redacted] Phillips walk Rhymney	[Redacted]
21/9/22	[Redacted]	[Redacted] P. a w e t r i s e p o r t c a t t y n	[Redacted]
21/9/22	[Redacted]	[Redacted] st david's close	[Redacted]
22/9/22	[Redacted]	[Redacted] Old Brewery Lane, Rhymney	[Redacted]
22/9/22	[Redacted]	[Redacted] Airen Rhymney	[Redacted]
23/9/22	[Redacted]	[Redacted] NANT CELTN RHYMNEY	[Redacted]
23/9/22	[Redacted]	[Redacted] Oakland Ter Rhymney	[Redacted]

**VARIATION OF A PREMISES LICENCE**

Rhymney Garage, of Victoria Road, Rhymney, NP22 5NU  
 Retail sale of alcohol [off sale] to –  
 Monday to Sunday 06:00 to 01.00 hours [following day]

We, the undersigned affix our signatures in support for the above application.

Date	Full Name	Full Address	Signature
25/09/22	[Redacted]	Lady Tyler terrace Rhymney NP22 5PL	[Redacted]
26/9/22	[Redacted]	Legions way Gellinac CF82 8DX	[Redacted]
26/11/22	[Redacted]	LADY TYLER TERRACE, RHYMNEY NP22 5PL	[Redacted]
26/09/22	[Redacted]	CRIPPS AVENUE Tredreer	[Redacted]
26/09/22	[Redacted]	TAN-Y-BRYN Rhymney	[Redacted]
26.9.22	[Redacted]	Wellington way Rhymney	[Redacted]
26.9.22	[Redacted]	High St	[Redacted]
26.9.22	[Redacted]	Bradford	[Redacted]
26.9.22	[Redacted]	Tynewydd & Penllyn	[Redacted]

**VARIATION OF A PREMISES LICENCE**

Rhymney Garage, of Victoria Road, Rhymney, NP22 5NU

Retail sale of alcohol [off sale] to –

Monday to Sunday 06:00 to 01.00 hours [following day]

We, the undersigned affix our signatures in support for the above application.

Date	Full Name	Full Address	Signature
24/9/22	[REDACTED]	[REDACTED] Dulles Rd New Tredegar	[REDACTED]
26/9/22	[REDACTED]	[REDACTED] Sunny Vein Pontllyfyn	[REDACTED]
24/9/22	[REDACTED]	[REDACTED] Brynglas Pontllyfyn	[REDACTED]
26/9/22	[REDACTED]	[REDACTED] Alexander St Aberystwyg	[REDACTED]
24/9	[REDACTED]	[REDACTED] Glyn Street Aberystwyg	[REDACTED]
24/9	[REDACTED]	[REDACTED] Derwyn Street New Tredegar	[REDACTED]
24/9	[REDACTED]	[REDACTED] Clos Branfield Ebbw Vale	[REDACTED]
26/9	[REDACTED]	[REDACTED] Plantation Terrace, Sochrin Mauntbatten	[REDACTED]
26/9	[REDACTED]	[REDACTED] Tan-y-bryn	[REDACTED]

This page is intentionally left blank