

# Pecyn Dogfennau Cyhoeddus

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

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



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Jo Thomas  
(Rhif Ffôn: 07714600912 Ebost: [thomaj8@caerphilly.gov.uk](mailto:thomaj8@caerphilly.gov.uk))

**Dyddiad: Dydd Gwener, 16 Ionawr 2024**

I bwy bynnag a fynno wybod,

Cynhelir cyfarfod aml-leoliad o'r **Is-bwyllgor Trwyddedu a Gamblo** yn Nhŷ Penallta, a thrwy Microsoft Teams ar **Dydd Llun, 22ain Ionawr, 2024** am **10.00 am** i ystyried y materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Gall aelodau'r Cyhoedd neu'r Wasg fynychu'n bersonol yn Nhŷ Penallta neu gallant weld y cyfarfod yn fyw drwy'r ddolen ganlynol: <https://civico.net/caerphilly>

Bydd y cyfarfod hwn yn cael ei ffrydio'n fyw a bydd recordiad ar gael i'w weld drwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddu/sain yr unigolion sy'n siarad ar gael yn gyhoeddus i bawb drwy [wefan y Cyngor](#):

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR

## AGENDA

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



2 Datganiadau o Ddiddordeb.

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

3 Deddf Trwyddedu 2003 - Penderfynu Cais am Drwydded Safle.

1 - 70

**Cylchrediad:**

Cynghorwyr Mrs E.M. Aldworth, C.J. Gordon a W. Williams (Cadeirydd)

A Swyddogion Priodol

**SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

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

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu. Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatwydd Cyfarfodydd Pwyllgor Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## LICENSING AND GAMBLING SUB COMMITTEE 22<sup>ND</sup> JANUARY 2024

**SUBJECT:** LICENSING ACT 2003 -DETERMINATION OF PREMISES  
LICENCE APPLICATION

**REPORT BY:** LEE MORGAN LICENSING MANAGER

### 1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
SS Enterprise Store Ltd Company No 12334292	25 Bryn Road, Cefn Fforest, Blackwood NP12 3LZ	Grant of Premises licence

#### 1.1 Application for Grant of a New Premises Licence - Licensing Act 2003

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

The applicant has provided the following description of the premises, '*The Premises is the Stonehouse Public House currently being converted into a convenience store serving the residential area at the corner of Bryn Road and Pwllglas Road.*'

#### 1.2 Site Plan/Photographs

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

An aerial plan of the location is reproduced as **Appendix 2**.

Photographs of location are reproduced as **Appendix 3**.

#### 1.3 Proposed Trading Times and Licensable Activity

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

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

*Monday - Sunday 08.00 – 23.00hrs*

- 1.3.1** The following steps have been volunteered by the applicant as part of the Operating Schedule, to promote the Licensing Objectives, and are reproduced directly from the application: -

*In making this application, we have taken into account the Guidance issued under the Licensing Act 2003 and the Caerphilly County Borough Council. Statement of Licensing Policy January 1st 2021. As a consequence of all this, we are applying with a raft of effective conditions in order to promote the Licensing Objectives.*

*1) CCTV shall be in use at the premises.*

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

*(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The system shall also record clear images permitting the identification of individuals.*

*(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;*

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

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

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

*(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during (insert hours) hours.*

*2.) The Premises Licence Holder shall have a procedure in place to ensure that the Exit is checked regularly and clear of obstructions at all times.*

*3) The staff will ensure that the customer area will be free of trip hazards and spillages at all times.*

*4) Noise or vibration shall not emanate from the premises so as to cause a nuisance.*

5) If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police shall be called to support.

6) Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises quietly.

7) The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

8) A written register of Refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council on demand.

9) All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/Council on demand.

#### **DELIVERIES:**

10) The person delivering the alcohol on behalf of the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

## **1.4 RELEVANT CONSIDERATIONS**

Caerphilly County Borough Council Licensing Policy **Appendix 4**  
National Guidance **Appendix 5**

## 1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

### 1.5.1 Responsible Authorities:

#### Police

Document	Date received	Appendix Reference
representation	13/12/2023	Appendix 6

#### Licensing Authority in role as Responsible Authority

Document	Date received	Appendix Reference
representation	20/12/2023	Appendix 7

The Fire Service and Child Protection Officer responded to indicate that they had no representations in respect of the premises licence application.

### 1.5.2 Other Persons:Residents

Document	Date Received	Appendix Reference
SC Watkins - initial representation	17/12/2023	Appendix 8
Subsequent comments	22/12/2023	
L Stephens representation	21/12/2023	Appendix 9
D Davies - initial representation	21/12/2023	Appendix 10
Subsequent comments	22/12/2023	
C Dix representation	22/12/2023	Appendix 11

### 1.5.3 Other Persons:Elected Member

Document	Date received	Appendix Reference
Elected Member representation	31/12/2023	Appendix 12

## 1.6 SUMMARY OF REPRESENTATIONS

Heddlu Gwent Police have detailed a visit to the premises on the 11<sup>th</sup> December 2023, in conjunction with the Licensing Authority in its role as a responsible authority.

The Police do not object to the application but have advocated the rewording of and the addition of conditions relating to CCTV, Challenge 25, refusal and incident recording, retention of staff training records and deliveries of alcohol.

The Licensing Authority Officer in its role as a responsible authority has not objected to application. The Officer detailed that the applicant had not sought pre-application advice, prior to submitting an application. The officer advocated conditions in relation to staff training and alcohol deliveries.

The Fire Officer and Child Protection Officer have responded to confirm they have no representations in respect of the application.

There were 4 resident objections to the application and an objection received from an Elected Member for the area.

Concern was expressed in respect of public safety and the safety of children, given the location of the premises at a crossroads and traffic and absence of parking. There are fears about children going to and from school at peak times. Reference is also made to a prior alcohol related stabbing.

Another resident detail's concerns over public safety and opening hours. Comment is made about increased activity and disruption of the highway. Concern is expressed about continuous illegal activity ongoing in this area. Reference is made to gang activities, fires and drug dealing in the area and that the Police service is under pressure. Comment is expressed about the existing numerous alcohol outlets that already cover the times proposed by the applicant.

Reference is made about a resident's proximity to the proposed premises and that there are many alcoholics and "druggies" and fears disturbance until the premises closes. The resident advocates declining the application for the safety and wellbeing of all the people that live in Cefn Fforest.

The Elected Member details that her grounds for objection relate to likely public nuisance and public safety. Comment is expressed about the premises unusual location where two main roads intersect and its dangerous nature. Concern is referenced about parking.

Comment is made about 5 other premises already selling alcohol and of the hours sought that will increase availability. Reference is made to health and social issues and that the hours sought 8.00 to 23.00 excessive and irresponsible and increased potential for noise in the evening and late into the night. A query is also raised in respect of Planning requirements in relation to the premises.

## **1.7 APPLICANT RESPONSE**

The applicant has responded and accepted the proposed conditions advocated by the Police and the Licensing authority in its role as a Responsible Authority. The applicant has responded and acknowledged receipt of the comments received from Other Parties and has submitted crime and antisocial behaviour data for the area in the vicinity of the premises. This information is reproduced as **Appendix 13**.

## **1.8 LICENSING ASSESSMENT**

THE LICENSING ASSESSMENT IS A PROVISIONAL SUMMARY, BASED ON REPRESENTATIONS RECEIVED PRIOR TO THE HEARING. THE HEAD OF PUBLIC PROTECTION, COMMUNITY AND LEISURE SERVICES RESERVES THE RIGHT TO AMEND OR VARY THE PROVISIONS CONTAINED IN THE SUMMARY AND RECOMMENDATION, SUBJECT TO ANY CHANGE IN THE MATERIAL

FACTS THAT BECOME KNOWN AT THE HEARING. THE SUB-COMMITTEE IS OBLIGED TO DETERMINE THIS APPLICATION WITH A VIEW TO PROMOTING THE LICENSING OBJECTIVES WHICH ARE:

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

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

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

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

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

## **1.9 OBSERVATIONS**

This application relates to the granting of a new premises licence, for the provision of 'off sales' of alcohol. The proposed premises is the former Stonehouse Inn, 25 Bryn Road, Cefn Fforest.

It should be noted that the premises licence for the Stonehouse Inn currently remains in place, however it is anticipated that should the applicant be successful with this application then the licence for the Stonehouse Inn will be surrendered.

The applicant seeks to provide the retail sale of alcohol between the hours of 08.00hrs to 23.00hrs Monday to Sunday.

Representations making objections to the granting of the premises licence have been received from 4 residents and an Elected Member for the area.

The concerns of the local residents and Elected Member whilst understandable, appear to be largely anticipatory in nature about the increased levels of behaviour or issues which could arise, should a licence be granted for this premises. Case law in *Daniel Thwaites PLC v Wirral Magistrates Court 2008* has considered similar issues in relation to real evidence and weight to be afforded.

It is noted that some of the objections detailed by the residents and Elected Member are not specifically linked to the licensing objectives, for example traffic concerns or provision of parking which would not ordinarily be a consideration for Members.

In relation to the premises location at a crossroads, traffic and parking concerns raised, it should be noted that Highway safety is not specifically referenced as a licensing objective under the Licensing Act 2003. Members will therefore have to consider whether the road network / highway or traffic issues fall within the Public



Safety Licensing objective. It is noted there are no concerns referenced to this effect by the Fire & Rescue Service or the Police. It should also be noted that Highways are not a statutory consultee under the Licensing Act 2003.

However, Paragraph 9.9 of the Section 182 Home Office National Guidance provides the following guidance when considering the merits or relevance of representations and states *'It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.'*

Furthermore, whilst comments related to health concerns given alcohol availability in the area are noteworthy, Health is not currently a Licensing objective detailed within the Licensing Act 2003.

Paragraph 28.14 of the council's statement of licensing policy states *'The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.'*

It is noted that there has been no response to the application from the Local Health Board in its role as a Responsible Authority in respect of this application.

Residents have expressed concerns about the hours proposed by the applicant i.e 8am to 11pm. In relation to this application, no adverse comments as to proposed hours have been received from the Responsible Authorities.

Guidance for Members in relation to hours' is offered in the Home Office Section 182 Guidance at Paragraph 10.15 which details *'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.'*

Furthermore, the council's statement of Licensing Policy, paragraph 22.1 states *'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.'*

The table below details shows, the licensable hours of off licences located in Cefn Fforest.

Name	Permitted Hours	Approx Distance from proposed premises
Cefn Fforest Stores, Bedwellty Road	Monday – Sunday 06.00 - 21.00	0.842 KM - 0.5 Miles
Spar Cefn Fforest Avenue	Monday – Saturday 08.00 – 23.00 Sunday 10.00 – 22.30	0.428 KM - 0.2Miles
VG Stores Bedwellty Road	Monday – Sunday 09.00 - 21.00	0.255 KM - 0.1Miles

Whilst reference has been made by the Elected Member to the hours applied for in this application being “clearly excessive,” this is not necessarily felt to be the case or indeed reflected when considering the other existing licensed premises above.

There has been reference by ‘Other Parties’ to the number of existing licensed premises in the area, however the Council does not currently have any cumulative impact areas and therefore the number or type of other licensed premises in the vicinity would not ordinarily be a consideration for Members of the Sub Committee. The same principle would apply in relation to the ‘need’ or otherwise for a new, licensed premises.

Advice for Members in relation to need, is provided within the Section 182 Home Office National Guidance, Paragraph 14.19 states ‘*There can be confusion about the difference between the “need” for premises and the “cumulative impact” of premises on the licensing objectives, for example, on crime and disorder. “Need” concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.*’

Despite residents referencing existing crime and antisocial behaviour in the area. It is unclear from the representations whether these issues may be the area immediately around Fitzroy Gardens, the area in the locality of the Premises, or Cefn Fforest as a whole or how recently these issues have taken place. Reference was made to a stabbing, however, no information provided as where and when this is alleged incident has taken place. The applicant has submitted a document in the form of graphs and statistical information as to crime and anti-social information in the vicinity of the premises.

Gwent Police as the lead responsible authority in relation to crime and disorder have not objected to the application nor curtailed hours sought but have advocated conditions should a licence be approved. The conditions proposed by the Police in relation to provision of CCTV, Staff Training, Incident and refusals book and alcohol deliveries have been accepted by the applicant.

Paragraph 2.27 of Section 182 Home Office National Guidance provides advice to Members ‘*Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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.*’

Other Parties have referenced existing anti-social behaviour in the area currently. If they are alcohol fuelled, then these or any historical issues will not be as a result of the actions of the applicant as they are yet to commence trading. There is no information to suggest that a ‘new’ alcohol outlet, if appropriately managed will add to the issues that are being reported.

The position taken by the Police has been supported by the Licensing Authority in its role as a responsible authority who also advocate conditions as opposed to any objection. Whilst residents referenced concerns in respect of public nuisance, it is

noted that that there were no representations received to the application from the lead authority for public nuisance namely Environmental Health (Pollution Team).

Following a site visit and discussion with the applicant, the Police (and Licensing Authority in role as responsible authority) appear to be satisfied with the applicant's ability to promote the licensing objectives, subject to conditions agreed with the applicant.

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

In the absence of any other adverse representations from Responsible Authorities (RA's), the RA's appear to be satisfied with the applicant's ability to promote the licensing objectives.

Paragraph 28.9 of the council's statement of licensing policy provides advice in relation to the above and states '*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.*'

No confidence in management concerns have been raised by any of the Responsible Authorities in their representations in relation to the applicant.

It should be noted that confirmation has been provided by the Planning Department that the building subject to the application currently holds A3 Planning usage, this "permits the sale of food or drink for consumption on the premises or of hot food for consumption off the premises." Therefore, no other 'additional' Planning permission is required to operate a shop selling food or drink from this location. If Members determined to refuse the application to permit the sale of alcohol, then it would not prevent the applicants' ability to sell other food and non-alcoholic drink products.

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

## **1.10 RECOMMENDATION**

Having had regard to the objections made by residents and the Elected Member and considered the position of the Responsible Authorities, it is recommended that the

application to permit the sale of alcohol for off sales, between the hours of 08.00hrs to 23.00hrs, Monday to Sunday **be granted** subject to the following conditions as set out in **Appendix 14**.

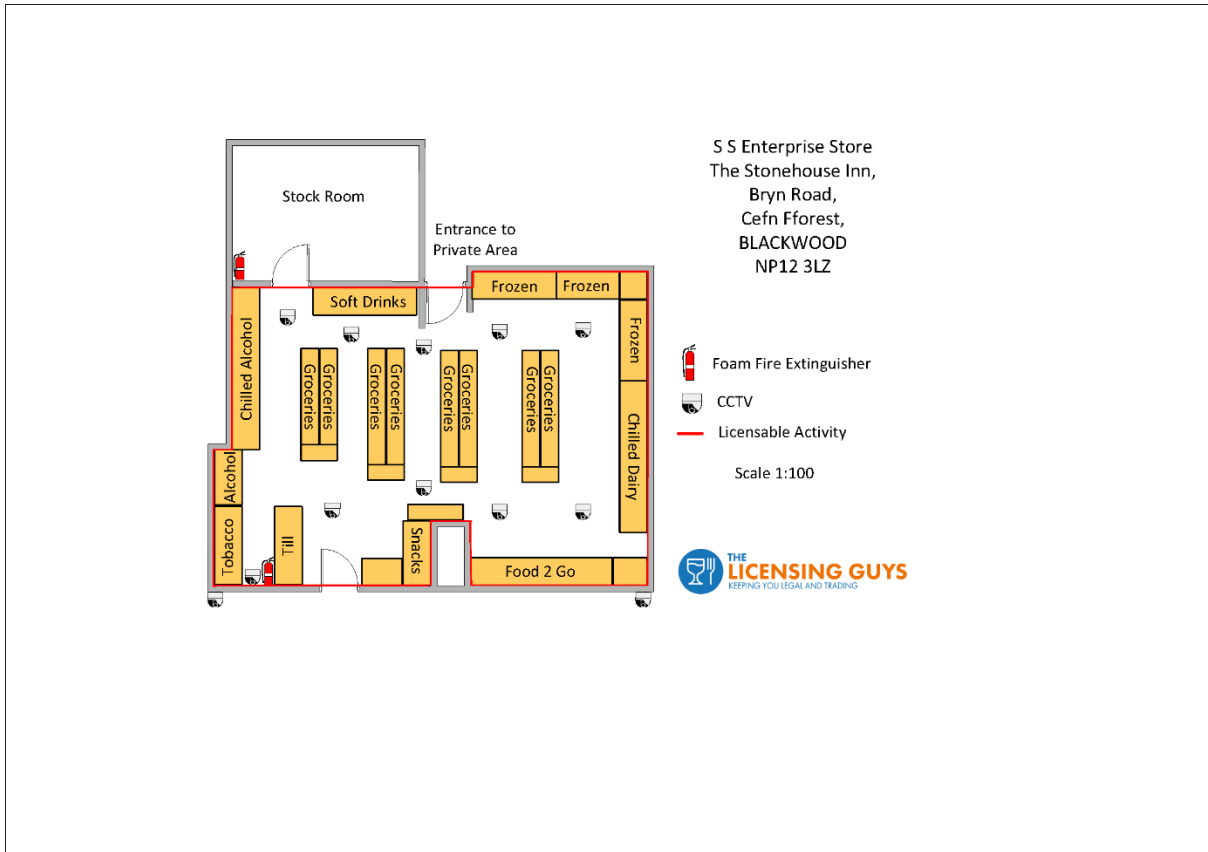
In reaching this conclusion, it is noted that there are no objections to the application from Responsible Authorities nor confidence in management concerns. It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in **Appendix 14**.

Background Papers: Statutory Guidance issued under S182 of the Licensing Act

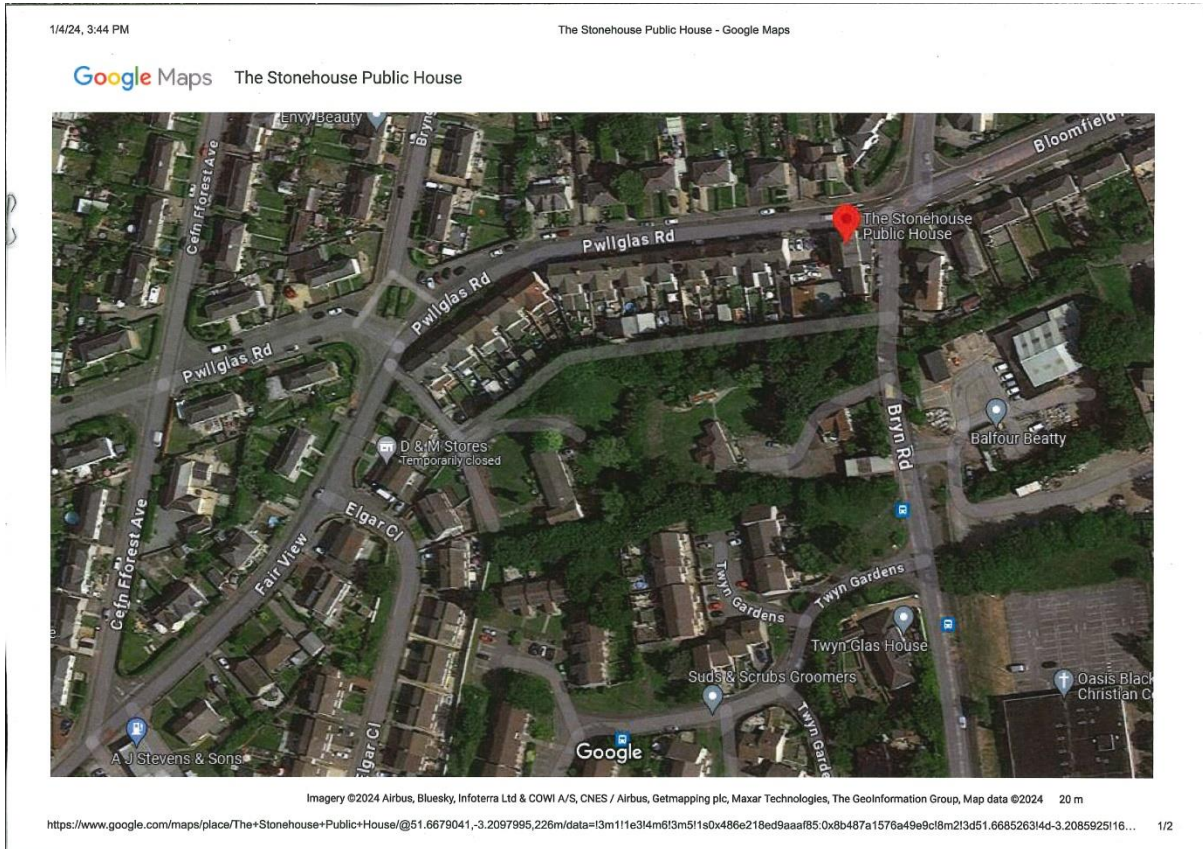
Caerphilly CBC Statement of Licensing Policy

Date of this report: 9<sup>th</sup> January 2024

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## Extract of Statement of Licensing Policy

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

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

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

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

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

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

7.6 Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community. For examples of licensing conditions that can promote health and wellbeing reference can be made to Caerphilly County Borough Council's 'Model Pool of Conditions'.

7.7 In addition, the Licensing Authority expects applicants to consider the impact their premise may have on people vulnerable to alcohol misuse, in particular children and young people and problematic drinkers. Commissioned alcohol treatment services are set within the communities they serve. The availability of alcohol in near proximity to treatment services can create specific issues for treatment providers. The Licensing Authority expects applicants to consider and mitigate the harm by including licensing conditions when their premise is close to the location of treatment services, and areas where children and young people may congregate, such as schools, youth clubs and parks.

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

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

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

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

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



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

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

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

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

- they are situated in a residential or noise sensitive area; 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.

14.3 Amendments to the Act has inserted the term ‘other person’ to replace ‘interested party’ as someone who can make representations, it also removed the vicinity test for residents and the specific term of councillor. This opens up the range of persons who may make representation and includes for example the following:- • Residents living near the premises • Persons with an interest in the premises or locality • Local councillors • Businesses with an interest in the premises or locality. • Organisations with an interest in the locality, premises or licensable activities.<sup>22</sup> The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

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

14.6 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.

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

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk) b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing

objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

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

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

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

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

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

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

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

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

28.9 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

28.12 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.

28.14 The Licensing Authority recognises that, although public health is not a licensing objective, health bodies may hold information which other responsible authorities do not, but which would assist the Licensing Authority in exercising its functions.

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

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.

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

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

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

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

2.8 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.9 A number of matters should be considered in relation to public safety. These may include: • Fire safety; • Ensuring appropriate access for emergency services such as ambulances; • Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);

- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.10 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38- 8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

2.16 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

2.21 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.

2.22 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.

2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial 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.

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

the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

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

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

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

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), 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 consideration given to the licensing objectives and any measures that are proposed to promote them.

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

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

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

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

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

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



those operating in their local area<sup>5</sup>. 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.

9.26 Where a notice of a hearing is given to an applicant, the licensing authority is required under the Licensing Act 2003 (Hearings) Regulations 2005 to provide the applicant with copies of the relevant representations that have been made.

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 the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional 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 any 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.

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. 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, 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.

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.

14.19 There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.

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.

Gadewir y dudalen hon yn wag yn fwriadol



## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY – Gwent Police

<b>Name of Applicant</b>	SS Enterprise Store Ltd
<b>Premises</b>	25 Bryn Road, Cefn Fforest Blackwood NP12 3LZ

<b>Your Name</b>	Adrian Jones
<b>Job Title</b>	Police Constable 2066
<b>email Address</b>	LicensingWest@gwent.police.uk
<b>Contact Telephone Number</b>	07464651981
<b>Date</b>	13/12/2023

<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>	
<b>The Protection of Children from Harm</b>	

<p><b>Please outline the reasons for your Representations</b></p> <p>The applicant Rouble Mann of SS Enterprises Ltd are seeking a license for the sale of alcohol off the premises at 25 Bryn Road, Cefn Fforest Blackwood, NP12 3LZ which was a former licensed premises by the way of a pub the Stonehouse Inn. The premises is located on a corner which is overlooked by residential premises and has a busy road junction directly outside of the premises and there are parking restrictions due to the busy road junction.</p> <p>The applicant during the application stage has indicated the Opening hours of the premises will be Mom-Sunday 0800-2300</p> <p>And the sale of alcohol to be</p> <p>Mon-Sunday 0800-2300</p>
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On the 11<sup>th</sup> of December 2023 the applicant Rouble Mann was spoken to during a visit at the premise by Pc2066 Jones/Pc1141 Taylor of Gwent Police Licensing Team and Kathryn Hopkins of Caerphilly County Council's Licensing Department.

The applicant has provided several conditions at the application stage that will promote the 4 licensing objectives. Gwent Police would advocate the re-wording of these and a small number of additional conditions that would support the applicant in the promotion of the licensing objectives.

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

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

CCTV shall be in use at the premises.

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

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The system shall also record clear images permitting the identification of individuals.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;

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

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

The Licensing Authority and the Police shall be informed when faults are rectified;

**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

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

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during the trading hours.

**The applicant has proposed:**

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

**Gwent police would like this to be reworded to:**

A Challenge 25 scheme will be adopted in compliance with the age verification condition: Customers who appear be under 25 years of age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, 'Pass' card or other identification recognized by the licensing authority in its statement of licensing policy

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

**The applicant has proposed:**

A written register of Refusals will be kept including a description of the people who have been unable to provide

**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

required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council on demand.

**Gwent police would like this to be reworded to:**

A written register of Refusals & Incidents will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council on demand.

**The applicant has proposed:**

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/Council on demand.

**Gwent Police would like the following added:**

All training records shall be kept for 12 months

**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



**The applicant has proposed:**

**DELIVERIES:**

The person delivering the alcohol on behalf of the premises shall operate a Challenge 25 policy and shall require proof of age prior to the alcohol being handed over. No alcohol shall be handed over to a person under 18. The only acceptable proof of identity shall be a photographic driver's licence, a passport or an Identity Card containing the PASS Hologram. The website shall contain a declaration to this effect.

**Gwent police would like this to be reworded to:**

When customers place an order for alcohol, customers are asked to confirm that they are over the age of 18.

Customers will be advised at the time they place an order for alcohol that alcohol will only be delivered to the person who is named in the order, and they will be asked for evidence of their age to confirm that they are over the age of 18.

When a delivery driver takes alcohol to a customer's place of business and residency then they will ask the customer to provide the following forms of identification to prove that they are over the age of 18: a) Photographic driving licence; b) Passport; c) Card bearing the PASS hologram; d) Military Identification.

In the event that a delivery driver is unable to obtain identification from a customer, then the customer will be refused service of alcohol, and a record of that refusal will be made in writing or electronically and will include the following: a) Order reference number; b) Date of refusal; c) Reason for refusal; d) Identity of individual refusing the delivery.

Records of these refusals will be kept at the store for a period of 12 months in writing or electronically, together with

training records in respect of drivers who deliver alcohol to customers, regarding the prevention of underage sales. These

**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

	<p>records will be made available to the authorities upon request.</p> <p>Alcohol will never be left unattended at a place of delivery and will only ever be handed over to the person who has placed the order upon them providing evidence that they are over the age of 18.</p> <p>If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police shall be called to support.</p> <p>Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises quietly</p> <p><b>Gwent Police would like the following condition added:</b></p> <p>There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises.</p>
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p>Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations.</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 – Licensing

<b>Name of Applicant</b>	Mr Rouble Mann – Agent Mr Colin Hoult of TL Guys Ltd
<b>Premises</b>	25 Bryn Road, Cefn fforest, Blackwood, NP12 3LZ

<b>Your Name</b>	Kathryn Hopkins <b>Date:</b> 20 <sup>th</sup> December 2023
<b>Job Title</b>	Senior Licensing Officer
<b>e.mail Address</b>	hopkik1@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>	x
<b>Public Safety</b>	x
<b>The Prevention of Public Nuisance</b>	x
<b>The Protection of Children from Harm</b>	x

<b>Please outline the reasons for your Representations</b>
<p>The application seeks to provide alcohol for off sales during Monday to Sunday between the hours 08.00 to 23.00.</p> <p>The premises was previously a licensed premise for both on and off sales known as the Stonehouse. It is located on a corner which is in a residential area and on a busy junction, directly outside the premises there are double yellow lines.</p> <p>I visited the premise with PC Jonathon Taylor and PC Adrian Davies from Gwent Police on Monday 11<sup>th</sup> December 2023 and spoke to the applicant Mr Rouble to discuss the application for the supply of alcohol. During my conversation Mr Rouble advised he intends to operate a delivery service by members of staff in house, using mopeds. All alcohol deliveries will be ordered directly on an app and no deliveries will take place after 21.00hrs. This service will start between 6-12 months after opening.</p> <p>The premise is in the process of a full refurbishment and should the current plan/layout change after building works have been completed then the applicant must contact the Licensing Section.</p> <p>It was noted that the applicant has not been in contact with the Responsible Authorities to discuss his proposals prior to the application being submitted. This is referenced in 25.1 of the Council's licensing policy in which prospective applicants are strongly recommended to seek pre-application advice.</p>

Throughout the Council's statement of licensing policy, reference is made to operating schedules which should outline how the premises is operated and include how the applicant will promote the licensing objectives. The applicant offered some steps to promote the licensing objectives which have been reworded or added by Gwent Police which has since been agreed by the applicant.

During my visit, Mr Rouble confirmed he will be the Designated Premises Supervisor (DPS) at this premise only. He advised there will be 2 members of staff on the premise, one being a personal licence holder at all times.

The applicant has provided several conditions at the application stage that will promote the 4 licensing objectives. Gwent Police would advocate the re-wording of these and a small number of additional conditions that would support the applicant in the promotion of the licensing objectives.

The Licensing Authority would support the representations outlined by Heddlu Gwent Police.

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

In considering the above the Licensing Authority as a Responsible Authority would also suggest the following conditions: -

1.All members of staff should be made aware of the licensing hours for sale of alcohol as part of their staff training.

2.The licence holder must ensure delivery drivers do not cause potential noise nuisance from using their vehicles to disturb residential properties in the vicinity.

3.No alcohol to be delivered to public places, only residential addresses.

4.All sales of alcohol for delivery must be paid for at the time of ordering. No cash on delivery.

5.All delivery drivers will be over the age of 18

6.Add the following wording to the condition offered by the applicant in relation to staff training: -

**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

	<p>“The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it”.</p> <p>7. Add the following wording to the condition offered by the applicant in relation to register of refusals &amp; incidents: -</p> <p>“This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required”.</p>
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p>Yes</p>

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

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

Gadewir y dudalen hon yn wag yn fwriadol

17/12/2023

S C Walkins

[REDACTED] FITZroy Lodge  
Twyn gardens  
CEFN Fforest.

To who it may concern  
I would like to object to the  
Licence to the Stonehouse in Cefnfforest  
I have concerns for the public and the  
children safety also the hours are a  
concern.

[REDACTED]

RECEIVED AT  
PENALLTA HOUSE  
21 DEC 2023

SC Watkins

██████████ Fitzroy Lodge

Twyn Gardens

Cefn Fforest

NP12 3LT

21<sup>st</sup> December 2023

Caerphilly County Borough Council  
Directorate of the Environment

No.

Date Received 22 DEC 2023

Date Answered

Referred to

Dear Sir/Madam,

I would like to vote against an off licence being given for the Old Stonehouse Building. I think it will be dangerous because of the Crossroads and no parking spaces. There are enough accidents happening on those crossroads as it is with the volume of traffic, and with people going into that building for any alcohol with cars parked outside with no parking



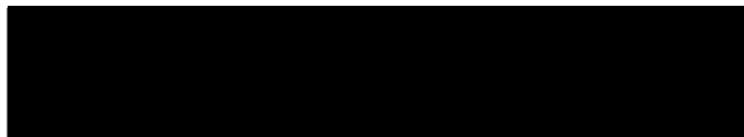
facilities.

This will cause many problems, especially with children going to school in the morning if it will be open eight o'clock and traffic is busy also in the afternoon when they are coming home again.

With older people living nearby they will be afraid to go out after what has happened in the past with a man being stabbed which was related to alcohol.

Not only will it affect people nearby, but the whole of Cefn Fforest.

Yours Faithfully

A large black rectangular redaction box covering the signature area.

Gadewir y dudalen hon yn wag yn fwriadol

RECEIVED AT  
PENALLTA HOUSE  
21 DEC 2023

Lorna Stephens  
[REDACTED], Fitzroy Lodge  
Cefn Forest  
NP12 3LT  
19-12-2023

Dear Sir or Madam,

I wish to object to an off sales licence being granted to the old stonehouse building on the junction with Bryn Road and Pull Glas Road, making a crossroad. There are no parking facilities either. It will be more dangerous <sup>then</sup> now than it is now, especially when things are delivered.

The safety of the people of Cefn Forest is paramount, and there are other places in the area where anyone can buy fresh food and alcohol from off the shelves in safer places. When the place is open early in the morning young children will be going to school when traffic is busy and early morning cars are parked.

to go into the place, that can also be quite dangerous. Older people (and in one of those) can also be nervous about all the traffic.

I live quite near the stone house, in a complex, and there are many alcoholics and druggies here and I know too well that they will be in and out of that place until it closes and disturbing all the neighbours around.

Throughout my life I have worked in many public houses and I know what troubles can arise with alcohol abuse, including fighting.

So PLEASE I hope you will decline this application for the safety and well being of all the people who live in Linn Forrest especially those living near this building.

Yours faithfully  
[REDACTED]

to the licence DEPARTMENT  
CAERPHILLY COUNTY BOROUGH  
COUNCIL

17-12-2023

MR DELWYN DAVIES

[REDACTED] FITZROY LODGE

OTWYN GARDENS

NP12 3LT

I would like to object  
to the licence APPLICATION  
FOR THE STONEHOUSE CEFN  
FOREST ON the ground of  
the public SAFETY AND the  
OPENING hours

Yours Sincerely

MR DELWYN DAVIES

[REDACTED]

RECEIVED AT  
PENALLTAHOUSE  
21 DEC 2023

Caerphilly County Borough Council Directorate of the Environment	Delwyn Davies
No.	[REDACTED] Fitzroy
Date Received	22 DEC 2023 Lodge
Date Answered	Blackwood
Referred to	Gwent NP12 3LT

Dear Whom I may concern,

I've

received correspondence in regards to my objections of a new premises application (SS Enterprise Storers - former Stonehouse Inn).

This letter is to enhance the objections and for the reasons I hold these objections. Public safety I believe would be in jeopardy and there will be increased activity or disruption to the public highways as well as safety issues to travelling and parking vehicles.

There is continuous illegal activity going

on in this area. My fears is an off-licence on this main junction will cause extreme health and safety risks to the public as well as school children who use this as a daily walkway to and from school.

There are numerous businesses within walking distance of blackwood/cefn fforest with the licensing regulations and the a similar intention of supply. It's my belief that gwent police are already under pressure in this area due to gang activities, fires, drug dealing and this is having a detrimental impact on the community.

In order to ensure our community is as safe as possible I feel this application for licensing should be denied. Again ~~en~~ enhancing the objections on the grounds of public safety, anti-social behaviour and the well being of all of cefn fforest

residents and the public visiting the area.

Addressing the objection of opening hours, within half of a mile radius there are numerous businesses that sell alcohol also covers the times requested by the new applicant. There are numerous family run businesses that have been part of the community for many years. The criminal and financial impact will also have an effect on current businesses this community continues to support.

Yours Sincerely  
MR DELWYD DAVIES



Christopher Dix  
[REDACTED] Fitzroy Lodge  
Twyn Gardens  
Cefn Fforest  
NP12 3LT  
21<sup>st</sup> December 2023

Caerphilly County Borough Council  
Directorate of the Environment

No.

Date Received 22 DEC 2023

Date Answered

Referred to

Dear Sir/Madam,

I would like to vote against an off licence being given for the Old Stonehouse Building. I think it will be dangerous because of the Crossroads and no parking spaces. There are enough accidents happening on those crossroads as it is with the volume of traffic, and with people going into that building for any alcohol with cars parked outside with no parking

facilities.

This will cause many problems, especially with children going to school in the morning if it will be open eight o'clock and traffic is busy also in the afternoon when they are coming home again.

With older people living nearby they will be afraid to go out after what has happened in the past with a man being stabbed which was related to alcohol.

Not only will it affect people nearby, but the whole of Cefn Fforest.

Yours Faithfully



**From:** [Cllr. Chacon-Dawson, Marina](#)  
**To:** [WWW: Licensing](#)  
**Cc:** [Cllr. Heron, Teresa](#)  
**Subject:** My objections  
**Date:** 31 December 2023 17:46:58

---

To whom it may concern at the licensing department,

I want to register my opposition to a premises licence that may be granted to SS Enterprise Stores Limited, for the sale of alcohol between the hours 0800-to 2300 7 days a week.

The 2 main grounds for objection are based on the likely public nuisance and public safety.

The Stonehouse public house is in an unusual location. It is situated right on the corner of a busy four-way junction where two main roads intersect. The usual shape of this junction makes this area particularly dangerous, whilst this may be primarily a planning matter, the inability to guarantee the public's safety whilst access the premises, cannot be ignored.

Furthermore, the current building is situated on an end of terraced street. Available parking is scarce and there is no car park anywhere near these premises. The absence of any such parking will inevitably cause a public danger and nuisance. This is due to those accessing the establishment parking around the residential area throughout the day and well into the night.

In recent years there has been a shift in where alcohol is being consumed, with more than two thirds of all alcohol now sold through the off trade.

Because health issues related to alcohol are high allowing easier access to alcohol will only serve to worsen the issue. You may believe this is not a licencing issue but as a public body, CCBC should be conscious of social issues. Considering this area already has five premises selling alcohol near each other this will only add to alcohol availability especially as the licensee applicant is aiming to be open for alcohol sales from 0800 to 2300 throughout the week. This is clearly excessive and irresponsibly ignores the health harms and any antisocial behaviours linked to alcohol including domestic abuse.

As for the idea of healthy competition, because there are several alcohol sales near there is no call further competition.

Further from the idea of a licence for such extended times, leads to the likely public nuisance that will ensue near and around the local residences.

This is a not just a factor of the lack of available parking, access to the

premises, but the increased potential for noise especially towards the evening and late into the night.

Further to the objection of the licence, I like to ask 2 questions. I note the applicant has just withdrawn a planning application to convert the public house into a convenience store yet is still seeking a premises licence for off sales of alcohol. This seems contrary to information provided to us, **so, the residents near the area and I would like to know what is the premises licence is needed for?**

**Is the plan for the Stonehouse Inn to re-open as a public house or is the applicants aim, despite suggesting otherwise, to convert it to a convenience store/ off licence?**

*Kind regards*

***Cllr. Marina Chacon-Dawson BSc (Hons) MSc (Merit) Clin Psy MBPSs***  
Cynghorydd Sir - Cefn Fforest and Pengam | County Councillor - Cefn Forest And Pengam

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

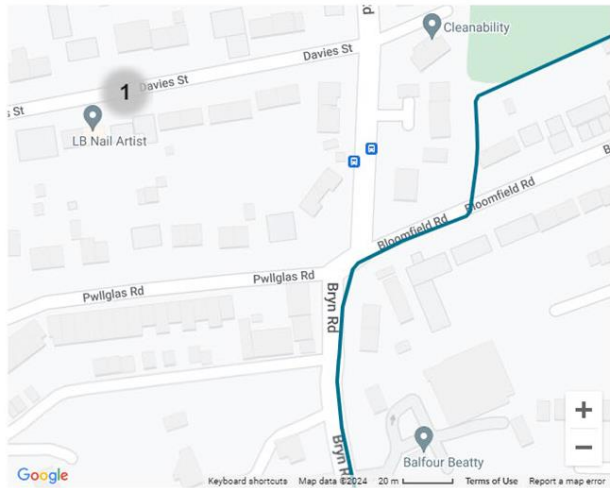


**Crime & ASB Data  
for vicinity of  
Stonehouse,  
Cefn Fforest,  
NP12 3LZ**

Source: [police.uk](https://www.police.uk) Crime Map

**June 2023 – 1 x Other Theft**

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



**Edit crime type and time period**

All Crimes (27)

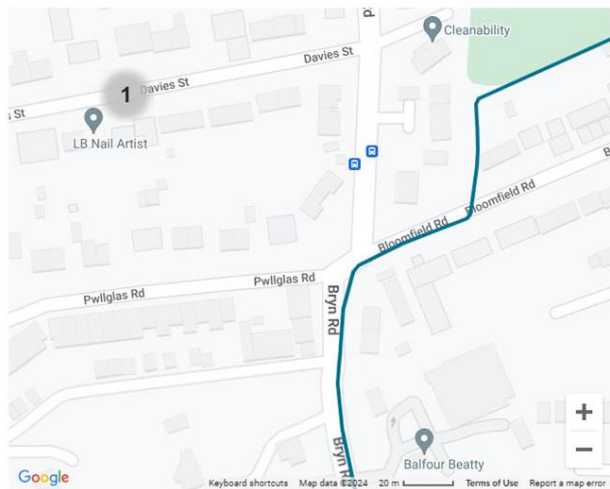
June 2023

[View crime definitions](#)

[Download area crime data](#)

**July 2023 – 1 x Public Order**

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).



**Edit crime type and time period**

All Crimes (28)

July 2023

[View crime definitions](#)

[Download area crime data](#)

**August 2023 – 1 x Anti Social Behaviour**

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).

**Edit crime type and time period**

All Crimes (26)

August 2023

[View crime definitions](#)

[Download area crime data](#)

**September 2023 – 1 x Violent/Sexual Offence**

Click on a hotspot to see more details. Alternatively, [view as A-Z list](#).

**Edit crime type and time period**

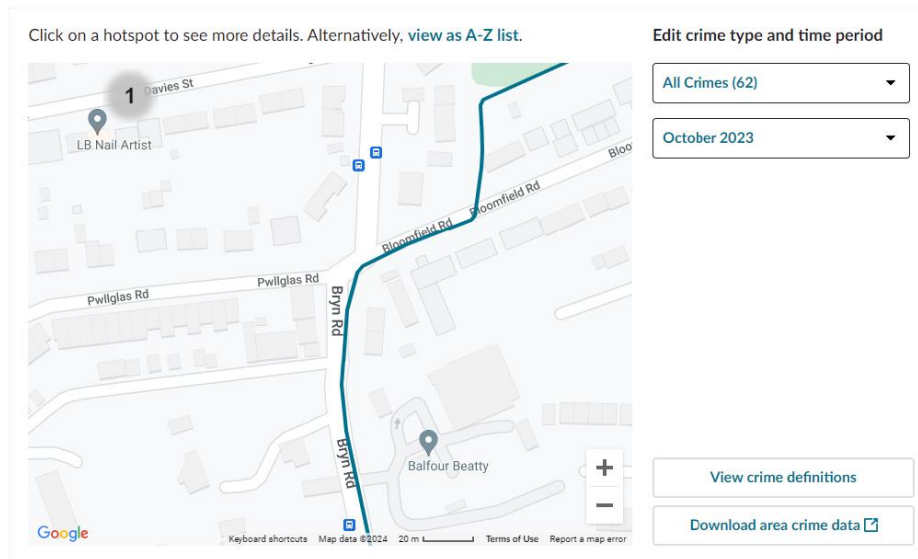
All Crimes (28)

September 2023

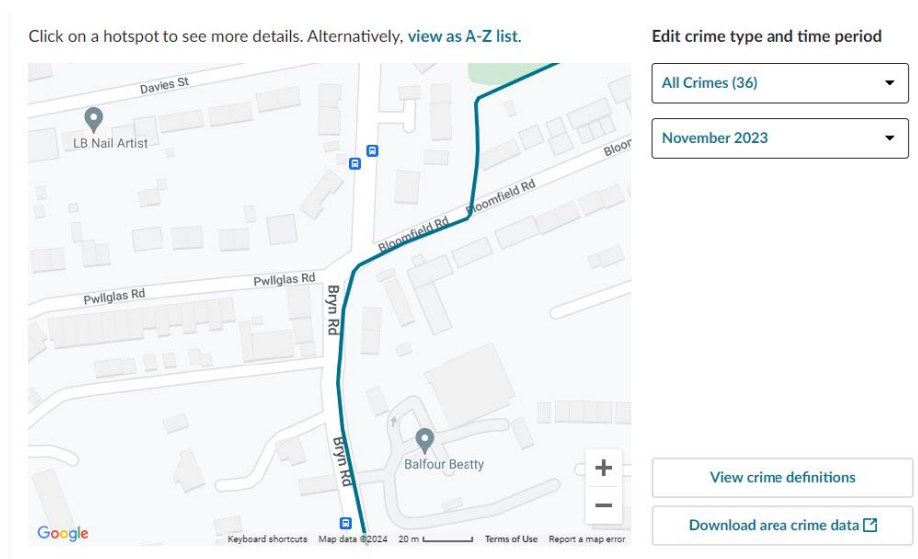
[View crime definitions](#)

[Download area crime data](#)

**October 2023 -- 1 x Violent/Sexual Offence**

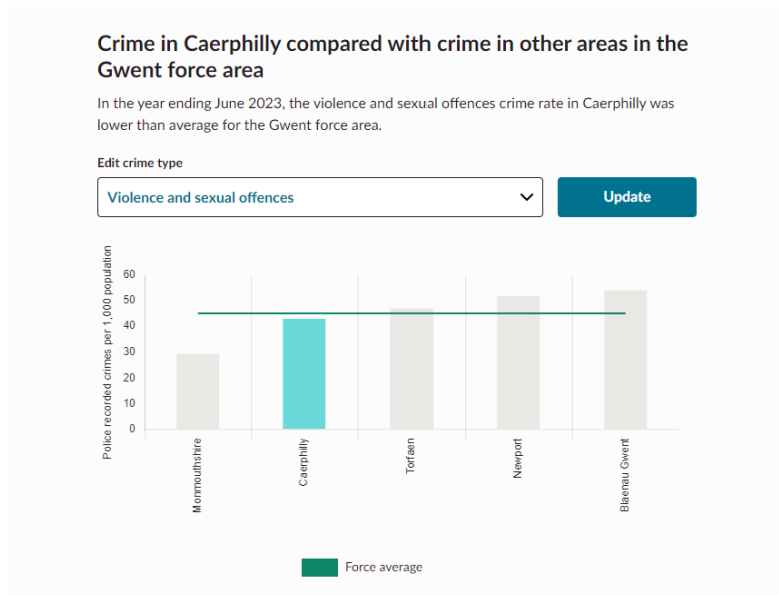
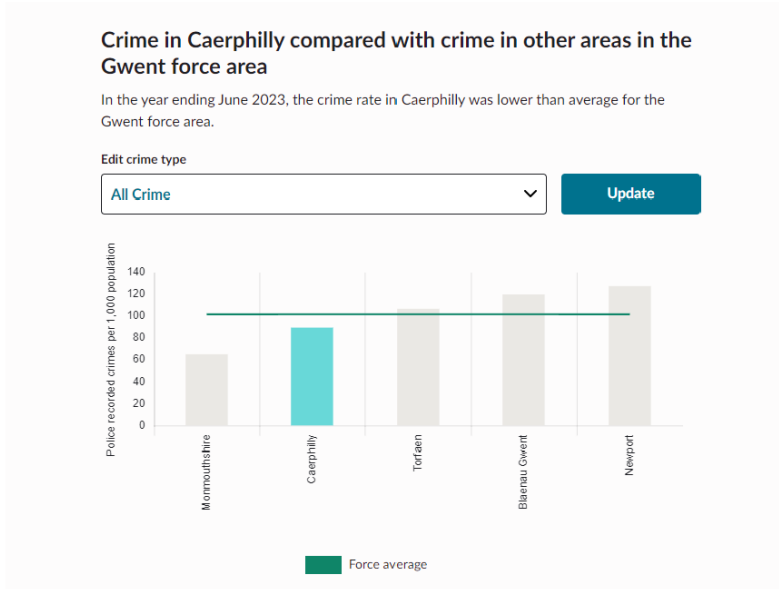


**November 2023 – Zero Crimes**





### Caerphilly compared to other Areas of Gwent Police...

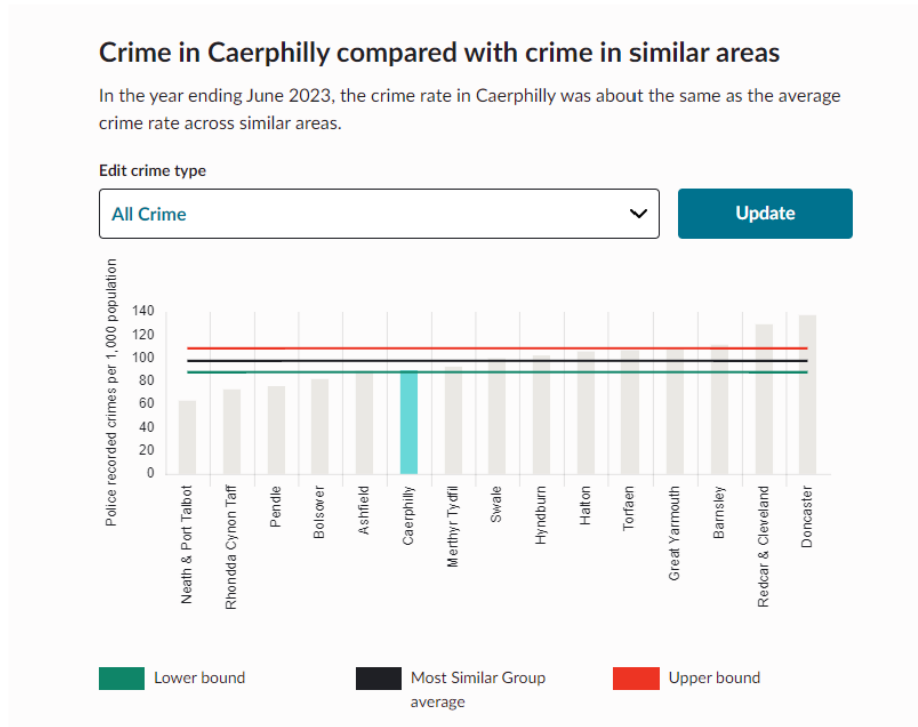


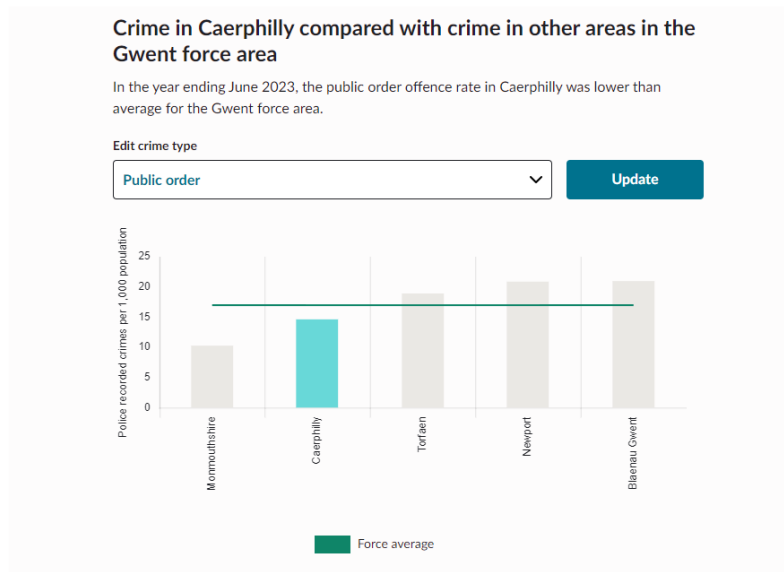
**Crime Incident Reports per Month**

Month/ Incident	Violent or Sexual	ASB	Public Order	Other Theft	TOTAL
Jun	0	0	0	1	1
Jul	0	0	1	0	1
Aug	0	1	0	0	1
Sep	1	0	0	0	1
Oct	1	0	0	0	1
Nov	0	0	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>
<b>pcm</b>	<b>0.33</b>	<b>0.16</b>	<b>0.16</b>	<b>0.16</b>	<b>0.83</b>

Over 183 days, 5 incidents were recorded = 1 incident every 36.6 days

**Caerphilly compared to other similar BCUs, nationwide...**





Gadewir y dudalen hon yn wag yn fwriadol

1) CCTV shall be in use at the premises.

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

(ii) The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards. The system shall also record clear images permitting the identification of individuals.

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority;

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

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

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

(vii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during the trading hours.

2.) The Premises Licence Holder shall have a procedure in place to ensure that the Exit is checked regularly and clear obstructions at all times.

3) The staff will ensure that the customer area will be free of trip hazards and spillages at all times.

4) Noise or vibration shall not emanate from the premises so as to cause a nuisance.

5) If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police shall be called to support.

6) Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises quietly.

7) A Challenge 25 scheme will be adopted in compliance with the age verification condition: Customers who appear to be under 25 years of age will be required to prove their age when purchasing alcohol. Suitable forms of identification will be a passport, 'Pass' card or other identification recognized by the licensing authority in its statement of licensing policy.

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

8) A written register of Refusals & Incidents will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council on demand.

9) This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required".

10) All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. No person shall be authorised to sell or supply alcohol until this training is completed. Refresher training will be conducted at 12 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/Council on demand.

11) The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it.

12) All members of staff should be made aware of the licensing hours for sale of alcohol as part of their staff training.

13) All training records shall be kept for 12 months.

14) When customers place an order for alcohol, customers are asked to confirm that they are over the age of 18.

15) Customers will be advised at the time they place an order for alcohol that alcohol will only be delivered to the person who is named in the order, and they will be asked for evidence of their age to confirm that they are over the age of 18.

16) When a delivery driver takes alcohol to a customer's place of business and residency then they will ask the customer to provide the following forms of identification to prove

that they are over the age of 18: a) Photographic driving licence; b) Passport; c) Card bearing the PASS hologram; d) Military Identification.

17) In the event that a delivery driver is unable to obtain identification from a customer, then the customer will be refused service of alcohol, and a record of that refusal will be made in writing or electronically and will include the following: a) Order reference number; b) Date of refusal; c) Reason for refusal; d) Identity of individual refusing the delivery.

18) Records of these refusals will be kept at the store for a period of 12 months in writing or electronically, together with training records in respect of drivers who deliver alcohol to customers, regarding the prevention of underage sales. These records will be made available to the authorities upon request.

19) The licence holder must ensure delivery drivers do not cause potential noise nuisance from using their vehicles to disturb residential properties in the vicinity.

20) No alcohol to be delivered to public places, only residential addresses

21) All sales of alcohol for delivery must be paid for at the time of ordering. No cash on delivery.

22) All delivery drivers will be over the age of 18

23) Alcohol will never be left unattended at a place of delivery and will only ever be handed over to the person who has placed the order upon them providing evidence that they are over the age of 18.

24) If the general public congregating outside the premises are causing anti-social behaviour, the management shall request that they leave, and if the problem persists the Police shall be called to support.

25) Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises quietly

26) There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises.

Gadewir y dudalen hon yn wag yn fwriadol