

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)

Dyddiad: Dydd Iau, 7 Mawrth 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 Gwener, 15fed Mawrth, 2024** am **9.30 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
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



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

3 Deddf Trwyddedu 2003 - Penderfynu Cais am Drwydded Safle.

1 - 82

Cylchrediad:

Cynghorwyr C.J. Gordon, Ms J.G. Jones a W. Williams (Cadeirydd)

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

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

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



LICENSING AND GAMBLING SUB COMMITTEE - 15TH MARCH 2024

SUBJECT: LICENSING ACT 2003 - DETERMINATION OF PREMISES LICENCE APPLICATION

REPORT BY: KATHRYN HOPKINS SENIOR LICENSING OFFICER

1. Application Details –

Applicant	Premises	Application Type
Francesca Keirle	Geshmak Bar and Bistro 6 Clive Street Caerphilly CF83 1GE	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 comprises of a ground floor seating area and a toilet and kitchen to the rear. There is a designated seating area on the front externally, with small capacity for around 8 people to sit. The property has two large windows to the street facing wall. The premises has capacity for a seating area inside and will seat approximately 35 people and have space for a small bar and serve-over counter area.'*

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

- **Supply of Alcohol (On and Off Sales)**
Monday to Sunday between 1000-2300 hours

During the application process, the applicant subsequently amended her application to reflect the supply of alcohol (on and off sales) between the hours of **10.00 until 22.30 Monday to Sunday.**

- 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: -

Training will be given to all staff on upholding and promoting the 4 objectives. All staff will receive training on keeping records of objections to sales and communicating with customers in the event of a refusal of sale. All records will be maintained and preserved for a minimum of 28 days. All staff will be responsible for ensuring that any evidence of the use or distribution of drugs is reported to local partners and relationships with local partners will be developed and maintained in order to bolster the promotion of the objectives. Training on acceptable forms of ID and checking the authenticity will be provided. Partnerships with other local venues will be created and communication channels between us and them maintained. Adequate and clear refuse systems will be in place, and suitable drinking vessels supplied to customers drinking on the private yard when it is developed into an outdoor eating area. The premises will be primarily an eating venue, so drinking without food will be discouraged by staff.

Partnerships with local law enforcement will be fostered and maintained. Tolerance of drunk and disorderly behaviour will be a low threshold and any aggressive behaviour will cause the aggressor and associated parties to be refused service.

Staff will maintain a close eye on quantities consumed and be trained to spot any issues early and deal with them in an open and friendly manner.

Records of any incidents will be maintained and preserved for at least 28 days. Any evidence of drug taking or the sale of it near or on the premises will be reported to the police and any offenders will be barred from the premises.

Any evidence of littering or creating high noise levels will be dealt with swiftly, and signage will be up around the premises to reinforce all of these measures.

External lighting will be in place in the rear yard to deter loiterers and break ins. The yard will be locked and inaccessible to the public when the premises is closed.

There will be a zero tolerance policy on drugs and weapons being brought into the premises.

Posters will be used to reinforce the measures.

Training and briefings will occur frequently and records of these maintained.

CCTV will be installed and recorded material will be kept in an accessible format and available to copy for 35 days. Signs will be placed to inform individuals that recording is taking place.

Staff will be trained in a duty of care for any customers suffering from the effects of alcohol and drug use.

Staff will be trained in spotting the signs of this and in appropriate measures for dealing with it.

Any aggressive behaviour will be met with a zero tolerance approach.

Drinks promotions will be sensible and not cause the excessive drinking of alcohol.

A first aid trained member of staff will be present at all times.

Fire exits are lit and marked clearly and fire extinguishers and blankets maintained and checked regularly according to guidance.

Risk assessments will be carried out and updated regularly with regards to any potential hazards in the venue.

Tables and glasses will be cleared regularly and any spillages dealt with immediately and signage put in place to inform

customers of recently cleaned or wet flooring.

Increased lighting and a period of no alcohol service will preempt closing every night.

The premises is in a mixed residential and commercial zone, so noise factors will be monitored and prevented through

limited use of the outdoor area with early shutting of this.

Signs reminding customers to be considerate of neighbours will be in place.

Windows will be closed in evenings to limit the sound escaping from the venue.

Staff will be trained in communicating clearly and in a friendly way about the expectations of clients.

Local residents will be provided with a telephone number they can call to resolve any sound issues immediately.

Refuse bins will be maintained to a clean standard and made available to customers to prevent issues with rubbish. Bins

will be locked to prevent any pest issues developing or escalating.

A record of any noise issues will be maintained to assist in developing future training and strategies.

Children will only be admitted if accompanied by an adult in the evening.

Children may eat at the premises in the daytime, but will be refused service if they request it.

Staff will be trained to implement a 'no ID, no sale' policy and all patrons will be IDd if they appear to be under the age of 25

Lists of appropriate forms of ID will be made available to staff and highly visible in the service area. These signs will also be customer facing so that there is a clear method of communication between staff and patrons.

A log of any and all refusals shall be maintained and preserved for a minimum of 28 days from the date of each refusal of alcohol sale.

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:

Gwent Police

Document	Date received	Appendix Reference
Initial Representation	14/02/2024	Appendix 6

Environmental Health (Pollution)

Document	Date received	Appendix Reference
Initial Representation	21/02/2024	Appendix 7

Environmental Health (Health and Safety)

Document	Date received	Appendix Reference
Initial Representation	16/02/2024	Appendix 8

Childrens Services

Document	Date received	Appendix Reference
Initial Representation	12/02/2024	Appendix 9

Trading Standards

Document	Date received	Appendix Reference
Initial Representation	14/02/2024	Appendix 10

Licensing Authority

Document	Date received	Appendix Reference
Initial Representation	21/02/2024	Appendix 11

The Fire Authority in its role as a responsible authority responded to indicate that they had no representations in respect of the premises licence application submitted.

1.5.2 Other Persons:Residents

Document	Date Received	Appendix Reference
B Unthank representation	07/02/2024	Appendix 12
A White representation	06/02/2024	Appendix 13
J Grant representation	06/02/2024	Appendix 14
L Morgan representation	07/02/2024	Appendix 15
D Murphy representation	07/02/2024	Appendix 16
C Pipe representation	07/02/2024	Appendix 17

W Purser representation	06/02/2024	Appendix 18
Occupier of Claude Road representation	15/02/2024	Appendix 19
J Thomas representation	15/02/2024	Appendix 20
M Lloyd representation	15/02/2024	Appendix 21
T Elsworth representation	06/02/2024	Appendix 22

1.6 SUMMARY OF REPRESENTATIONS

Heddlu Gwent Police detailed a visit to the premise on 12th February 2024 in which the application was discussed and the hours for the supply of alcohol was amended from 10.00 to 23.00 to 10.00 to 22.30.

The Police do not object to the application but have advocated the re-wording of conditions and proposed additional conditions that would support the applicant in the promotion of the licensing objectives. These additional conditions related to the need to risk assess SIA door supervisors when sporting events or functions are taking place, outside area to be regularly monitored, encouragement to move patrons away from the vicinity of the premises to avoid loitering or anti-social behaviour and that children must be accompanied by a responsible adult at all times.

Environmental Health (Pollution) visited the premise to discuss intended measures to mitigate any potential noise nuisance in relation to the intended music provision described as low-level amplification to accompany food or drink.

Environmental Health (Pollution) do not object to the application, however given the proximity of residential accommodation suggested additional conditions to further safeguard and promote the Prevention of Public Nuisance licensing objective. These additional conditions related to the outdoor area to be closed by 22.00hrs, amplified music must not cause unreasonable disturbance, notices to patrons to respect residents upon leaving the premise and adequate measures are in place for depositing litter/waste.

Environmental Health (HandS) have not objected to the application, however proposed additional conditions in relation to the public safety licensing objective. These conditions related to all drinking glasses used within the premises are of toughened or safety glass and no glass permitted outside.

Childrens Services have not objected to the application but advocated the re-wording of the conditions offered by the applicant in relation to staff training and Challenge 25. This was considered to avoid any ambiguity in relation to steps proposed in the operating schedule.

The Trading Standards Officer supported conditions suggested by Childrens Services in promoting the Protection of Children from Harm licensing objective and have not objected to

the application. The officer suggested an additional condition in relation to all staff to remain vigilant in preventing adults buying alcohol on behalf of persons who are under 18.

The Licensing Authority Officer in its role as a responsible authority supports the representations received from other Responsible Authorities and has not objected to the application. However, the Licensing Authority has proposed additional conditions in relation to providing CCTV coverage of external area, managing outdoor area to ensure customers do not behave in a noisy, rowdy or offensive manner, that the premises shall be cleared of customers within 30 minutes of the last supply of alcohol and no recycling or disposal of refuse/bottles/material between 21.00 and 09.00.

There were eleven relevant resident objections to the application, reference by one is made to recently opened shops and off licensed premises that have been a source of antisocial behaviour. Concern is expressed about drunkenness and teenagers loitering in the street and participating in anti-social behaviour. Fear is expressed should more off licence shops open the worse behaviour will become.

Another resident disagreed with more off licence shops that will fuel the “debauchery and untoward social problems”.

Other resident’s concerns also relate to antisocial behaviour which suggests will amplify an already poor situation. Reference is made to drunkenness and drug issues within Caerphilly town centre.

Reference is also made to noise and litter pollution, parking issues which is already restricted and limited with the potential to cause disruption to buses. There is a concern regarding teenagers that congregate in the area who approach adults to purchase alcohol, cigarettes and vapes for them to use.

Another resident opposes the application and believes it will be detrimental to local and new businesses in the Caerphilly castle development.

1.7 APPLICANT RESPONSE

The applicant responded to agree conditions proposed by Gwent Police, Environmental Health (Health and Safety), Environmental Health (Pollution), Childrens Services, Trading Standards and the Licensing Authority in its role as the Responsible Authority. These comments have been subsequently agreed by the applicant.

The applicant submitted a statement detailing her intentions for the business to provide alcohol with meals and not to be misunderstood as an off licence. The applicant intends to host open mike nights, jazz evenings and craft fayres, bringing together talented crafters, musicians, and cuisine. A copy is reproduced as **Appendix 23.**

The applicant also submitted comments from two individuals who provided letters in support of the application.

One submission was from a retired police officer who attended the applicants existing premise in Newport and felt it was of a high standard, with licence and drink prices clearly displayed and drinks only provided as part of the dining experience. Comments was expressed that the individual witnessed no disorder from drunk customers, no evidence of glasses or bottles left outside the premise and aware of notices on the premise for patrons to respect neighbours. A copy of the comments is reproduced as **Appendix 24.**

The other submission in support of the application was from the leader of Newport City Council writing in a personal capacity. Support was expressed for the applicant moving to Caerphilly to grow her business. Comment was expressed that it would be a loss to Newport as Geshmak had been a very popular independent restaurant since the applicant appeared on Master Chef.

The individual has no hesitation in recommending the applicant as she is a talented and accomplished chef and a responsible owner. Comment is made that the applicant has held a licence in Newport with no issues. A copy of the comments is reproduced as **Appendix 25**.

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 in Caerphilly town centre, for the provision of 'on and off sales' of alcohol. The proposed premises was previously licensed and known as The Deli. The licence for this premises was surrendered in December 2023 and therefore there is no current authorisation in place.

The applicant seeks to provide the retail sale of alcohol between the hours 10.00 to 22.30 Monday to Sunday. As the premise is located in the town centre, the hours sought do not appear to be unreasonable compared to other late-night premises in the area.

Table of nearby premises for alcohol on and off sales

No.	PREMISES	ALCOHOL TIMES	DISTANCE FROM PREMISE (Metres)
1	Kings Arms	Sunday to Wednesday 08.00 to 00.00	33m
		Thursday 08.00 to 01.00	
		Friday and Saturday 08.00 to 01.30	
2.	Volare	Sunday to Thursday 11.00 to 23.00	20m
		Friday and Saturday 11.00 to 00.00	
3.	Railway	Monday to Wednesday 10.00 to 00.00	60m
		Thursday to Saturday 10.00 to 01.30	
		Sunday 10.00 to 01.00	
4.	Malcolm Uphill	Sunday to Thursday 09.00 to 00.00	33m
		Friday and Saturday 09.00 to 01.00	
5.	Shock	Monday to Sunday 11.00 to 23.00	67m

Paragraph 2.5 of the Caerphilly CBC Statement of Licensing states *'Premises and events which are licensed under the Licensing Act 2003 can provide a contribution to the local economy through tourism, cultural development and maximising night time trade.'*

It appears the nature of the application is for customers to consume alcohol on the premises with meals or to consume on the premise in the event of occasional 'open mike' evenings. Live and recorded music will be provided as background music to accompany food and low-level amplification of music. The applicant also intends to have a deli counter occasionally selling local wine or Welsh whisky for off sales.

Relevant representations making objections to the granting of the premises licence have been received from 11 residents.

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.'*

It is noted that some of the objections detailed by the residents are not specifically linked to the licensing objectives, the provision of parking would not ordinarily be a consideration for Members.

Case Law in *The Noble Organisation v Kilmarnock and Loudoun District Council* (1993) states “*the mere number of objections irrespective of their content should not be a good reason for refusing an application, what matters are the grounds on which the objections are based*”.

The residents will be able to amplify their concerns about the merits of this application given reference to “antisocial behaviour”, “debauchery and untoward social problems”, litter pollution, parking issues, disruption to buses and having a detrimental effect on businesses to Members at the hearing. It is noted that a number of residents appear to be fearful of ‘another’ off licence, however on the basis of the application, this does not appear to be the business model of the applicant and that the primary focus will be ‘on sales’ of alcohol with food, with a provision for ‘off sales.’

There has been reference to the existing number of 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.*’

The concerns of the local residents 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.

Gwent Police as the lead authority in relation to crime and disorder have not objected to the application but have re-worded steps offered by the applicant and advocated additional conditions should a licence be approved. These conditions have been accepted by the applicant.

There were additional representation responses received from Environmental Health (Pollution Team), Environmental Health (Health and Safety), Childrens Services, Trading Standards and the Licensing Authority advocating conditions to be attached should a licence be granted. These have also been accepted by 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.

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.

Other Parties have referenced existing alcohol fuelled 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 selling alcohol from the premises. There is no information offered by objectors to suggest that a 'new' alcohol outlet, if appropriately managed will add to the issues that are being reported.

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.*'

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.

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

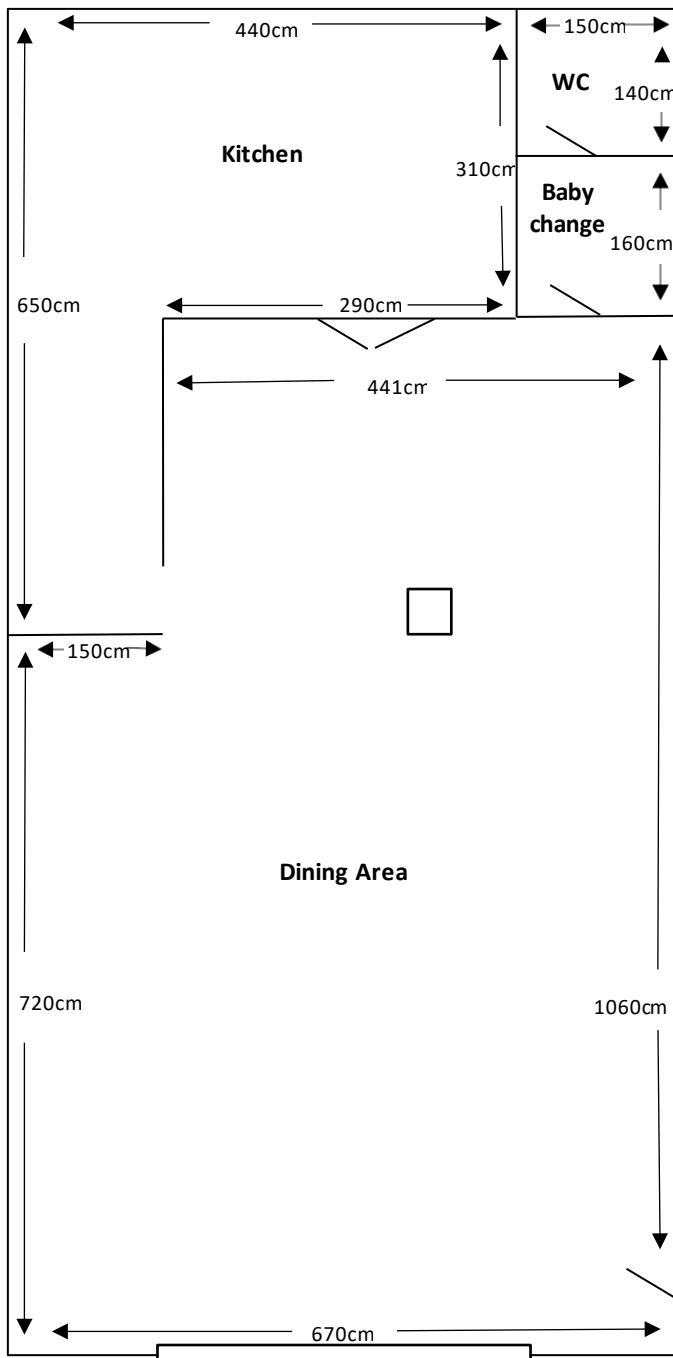
Having had regard to the objections made by residents and noting the comments made by the Responsible Authorities, it is recommended that the application to permit the sale of alcohol for on and off sales as set out in paragraph 1.3 of the report, **be granted** subject to the conditions as set out in **Appendix 26**. It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions which have been agreed by the applicant.

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

Date of this report: 8th March 2024

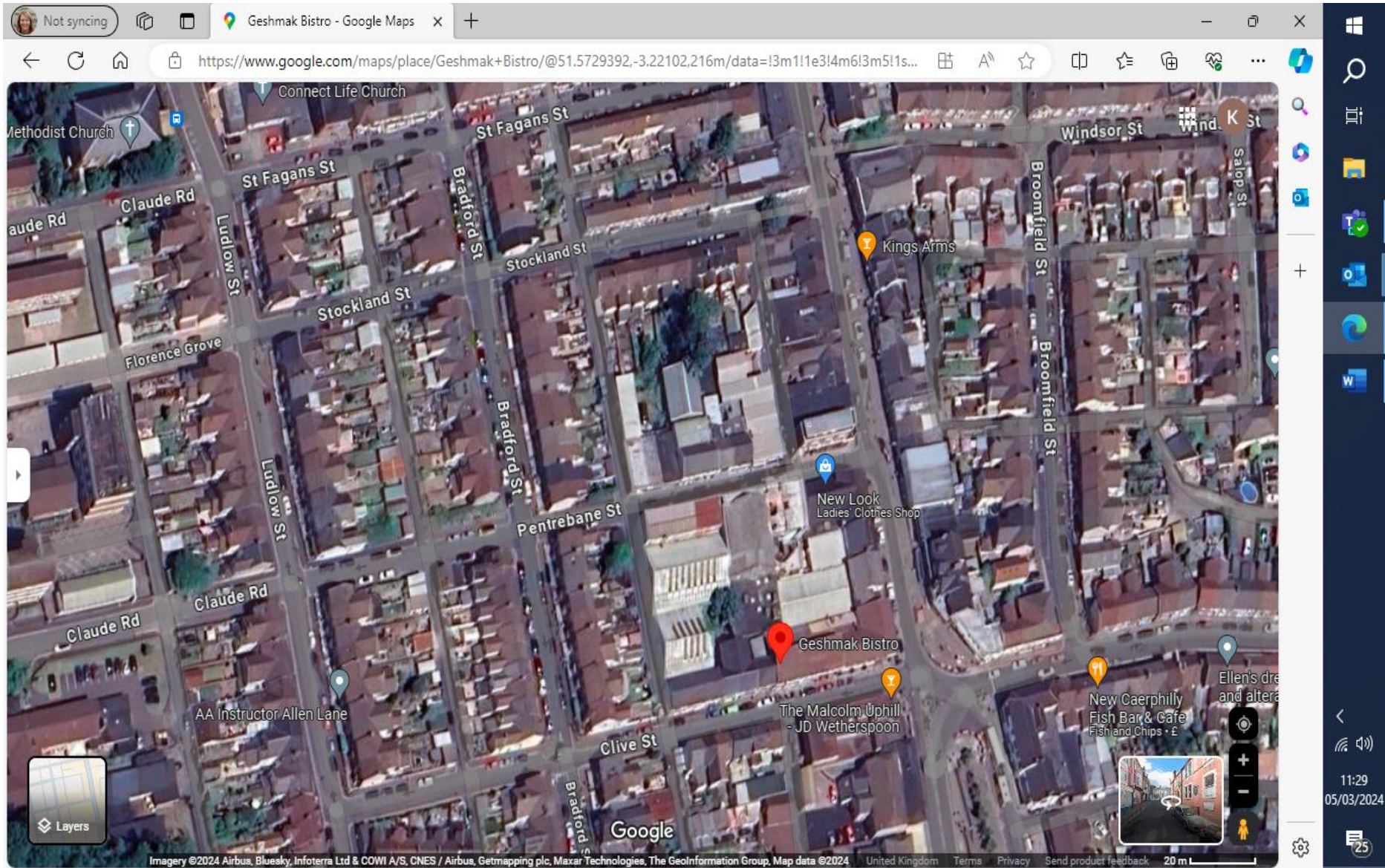
Author: Kathryn Hopkins – Senior Licensing Officer
Tel: 01443 866750 - hopkik1@caerphilly.gov.uk

FLOOR PLAN – GESHMAK, CLIVE ST, CAERPHILLY



SCALE = 1:100

Gadewir y dudalen hon yn wag yn fwriadol



Gadewir y dudalen hon yn wag yn fwiadol





Extract of Statement of Licensing Policy

2.5 Premises and events which are licensed under the Licensing Act 2003 can provide a contribution to the local economy through tourism, cultural development and maximising night time trade.

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.

5.5 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.

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.

22 The Council will have to decide if the representation is relevant and/or reasonable, and in making that assessment will assess the person or organisation making the representation and their relationship to the premises and or vicinity.

14.4 Relevant representations will be taken as those that relate to the fundamental principles of the Licensing Act, any organisation or individual wishing to object to any application will therefore need to state whether they are doing so on the grounds of:

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

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are:

- a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk
- b) When an application is made, and relevant 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.

Gadewir y dudalen hon yn wag yn fwriadol

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 area⁵. 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

Name of Applicant	Francesca Keirle
Premises	Geshmak 6 Clive Street , Caerphilly CF831GE

Your Name	Pc 1141 Jon Taylor
Job Title	Police Constable
email Address	Licensingwest@gwent.police.uk
Contact Telephone Number	[REDACTED]
Date	14.2.24

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

Please outline the reasons for your Representations
<p>Gwent police have received a new premises license application from Francesca Keirle for a premises license at 6 Clive Street , Caerphilly CF 83 1GE</p> <p>The premises comprises of a ground floor seating area and a toilet and kitchen to the rear. There is a designated seating area on the front externally, with small capacity for around 8 people to sit. The property has two large windows to the street facing wall. The premises has capacity for a seating area inside and will seat approximately 35 people and also have space for a small bar and serve-over counter area</p> <p>The premises will be used as a cafe, bar and bistro, and the applicant intends to run occasional day and evening events such as</p>

	<p>when required. All records shall be kept for a period of 12 months</p> <p>All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable. The records shall be kept for a 12 month period (This condition supports child services reps)</p> <p>All staff will be responsible for ensuring that any evidence of the use or distribution of drugs is reported to local partners and relationships with local partners will be developed and maintained in order to bolster the promotion of the objectives. Training on acceptable forms of ID and checking the authenticity will be provided. Partnerships with other local venues will be created and communication channels between us and them maintained.</p> <p>Gwent Police would like this reworded to An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>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. (This condition supports Child Services reps)</p>
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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>Adequate and clear refuse systems will be in place, and suitable drinking vessels supplied to customers. drinking on the private yard when it is developed into an outdoor eating area. The premises will be primarily an eating venue, so drinking without food will be discouraged by staff.</p> <p>Gwent Police would like this reworded to There shall be no consumption of alcoholic beverages purchased from the premises in open containers outside at the front of the premises unless seated in dedicated area with table and chairs . All off sales will be in sealed containers.</p> <p>No glass will be allowed outside. The contents of any bottled beverage shall be decanted into a plastic / PTE / glass before service to any customer that uses the outside area.</p> <p>The outside area will not be used after 22.00 hrs</p> <p>Partnerships with local law enforcement will be fostered and maintained. Tolerance of drunk and disorderly behaviour will be a low threshold and any aggressive behaviour will cause the aggressor and associated parties to be refused service. Staff will maintain a close eye on quantities consumed and be trained to spot any issues early and deal with them in an open and friendly manner. Records of any incidents will be maintained and preserved for at least 28 days.</p> <p>Gwent police would like the above removed</p> <p>Any evidence of drug taking or the sale of it near or on the premises will be reported to the police and any offenders will be barred from the premises. Any evidence of littering or creating high noise levels will be dealt with swiftly, and signage will be up around the premises to reinforce all of these measures. External lighting will be in place in the rear yard to deter loiterers and break ins. The yard will be locked and inaccessible to</p>
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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 public when the premises is closed.</p> <p>There will be a zero-tolerance policy on drugs and weapons being brought into the premises. Posters will be used to reinforce the measures.</p> <p>Training and briefings will occur frequently and records of these maintained.</p> <p>Gwent Police would like the above removed</p> <p>CCTV will be installed and recorded material will be kept in an accessible format and available to copy for 35 days. Signs will be placed to inform individuals that recording is taking place.</p> <p>Gwent Police would like this reworded to</p> <p>CCTV shall be in use at the premises. (i)Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. Where a CCTV system is to be installed, it shall be fully operational by the grant of the licence. (ii)The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards; (iii)The premises licence holder shall ensure images from the CCTV are retained for a period of 30 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;</p>
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	<p>(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;</p> <p>(vii)The system shall also record clear images permitting the identification of individuals.</p> <p>(viii)There shall be clear signage indicating that CCTV equipment is in use and recording at the premises</p> <p>Staff will be trained in a duty of care for any customers suffering from the effects of alcohol and drug use. Staff will be trained in spotting the signs of this and in appropriate measures for dealing with it. Any aggressive behaviour will be met with a zero tolerance approach. Drinks promotions will be sensible and not cause the excessive drinking of alcohol. A first aid trained member of staff will be present at all times. Fire exits are lit and marked clearly and fire extinguishers and blankets maintained and checked regularly according to guidance. Risk assessments will be carried out and updated regularly with regards to any potential hazards in the venue. Tables and glasses will be cleared regularly and any spillages dealt with immediately and signage put in place to inform customers of recently cleaned or wet flooring. Increased lighting and a period of no alcohol service will preempt closing every night.</p> <p>The premises is in a mixed residential and commercial zone, so noise factors will be monitored and prevented through limited use of the outdoor area with early shutting of this.</p> <p>Gwent police would like the above removed</p> <p>Signs reminding customers to be considerate of neighbours will be in place.</p> <p>Gwent police would like this to be reworded to. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.</p>
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Please remember if you intend to make representations to copy this file to all other RA's

open mike nights and music to accompany food.

The premises will be open to the public Monday to Saturday 08.30 23.00 hrs and Sunday 10.00 to 23.00 hrs
 The sale of alcohol has been applied for Monday to Sunday 10.00 to 23.00 hrs for ON and OFF sales .

On Monday 12th Feb 2024 officers from Gwent police licensing met with the applicant in company with Dean Pugh and Sandra Williams from Caerphilly council . The application was discussed in detail .
 The applicant agreed to amend the supply times of alcohol to Monday to Sunday 10.00 hrs to 22.30 hrs .
 In addition a No Glass outside policy. There will be a wind down period of 30 mins each day prior to closure at 23.00 hrs .

The applicant has provided several conditions at the application stage that will promote the 4 licensing objectives. Gwent Police do not object to the application but would advocate the re-wording of some of these and a small number of additional conditions that would support the applicant in the promotion of the licensing objectives.

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>The suggested conditions and variations to the license are as follows:</p> <p>The applicant has proposed the following conditions :</p> <p>Training will be given to all staff on upholding and promoting the 4 objectives. All staff will receive training on keeping records of objections to sales and communicating with customers in the event of a refusal of sale. All records will be maintained and preserved for a minimum of 28 days.</p> <p>Gwent Police would like this reworded to</p> <p style="color: red;">The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an ‘incident / refusals’ logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable</p>
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	<p>Windows will be closed in evenings to limit the sound escaping from the venue. Staff will be trained in communicating clearly and in a friendly way about the expectations of clients. Local residents will be provided with a telephone number they can call to resolve any sound issues immediately. Refuse bins will be maintained to a clean standard and made available to customers to prevent issues with rubbish. Bins will be locked to prevent any pest issues developing or escalating. A record of any noise issues will be maintained to assist in developing future training and strategies.</p> <p>Children will only be admitted if accompanied by an adult in the evening. Children may eat at the premises in the daytime, but will be refused service if they request it.</p> <p>Gwent Police would like the above removed</p> <p>Staff will be trained to implement a 'no ID, no sale' policy and all patrons will be ID'd if they appear to be under the age of 25 Lists of appropriate forms of ID will be made available to staff and highly visible in the service area. These signs will also be customer facing so that there is a clear method of communication between staff and patrons. A log of any and all refusals shall be maintained and preserved for a minimum of 28 days from the date of each refusal of alcohol sale.</p> <p>Gwent police would like the above removed</p> <p>Gwent Police support the reps submitted by Child Services</p> <p>All staff/members who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.</p>
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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>Gwent Police would like the following added to the above condition . All records to be kept for a minimum of 12 months</p> <p>An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>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.</p> <p>GWENT POLICE WOULD LIKE THE FOLLOWING CONDITIONS ADDED .</p> <p>The licence holder or DPS shall risk assess the need for SIA door supervisors to be present in the premises when key sporting events are taking place or when a function of any kind is taking place.</p> <p>If door supervisors are present then the premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:</p> <ul style="list-style-type: none"> (i) Full name; (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation); (i) The time they began their duty;
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Please remember if you intend to make representations to copy this file to all other RA's

	<p>(iv) The time they completed their duty. This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.</p> <p>The Outside area to be monitored periodically by staff through licensable times.</p> <p>Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity of the premises by the premises supervisor, manager or other competent person</p> <p>Children must be accompanied and supervised by a responsible adult at all times.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</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

Gadewir y dudalen hon yn wag yn fwriadol



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Environmental Health, Pollution Control Team

Name of Applicant	Francesca Keirle
Premises	Geshmak 6 Clive Street , Caerphilly CF831GE

Your Name	Victoria Woodland
Job Title	Environmental Health Officer
e.mail Address	woodlv@caerphilly.gov.uk
Contact Telephone Number	01443 811337 or 07857 658922

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

<p>Please outline the reasons for your Representations</p> <p>The application seeks to provide alcohol between 10.00 – 23.00 and regulated entertainment by way of live music between 11.00 – 22.00 and recorded music 8.30 – 23.00. These licensable activities are required to supplement the intended use of the premises as a café bar and bistro. The intended music provision being described as low-level amplification to accompany food or drink.</p> <p>The premises comprises a small ground floor seating area with a toilet and kitchen to the rear and a small external designated seating area to the front of the property.</p> <p>I visited the premises on Monday 19th February 2024 and spoke with the applicant regarding the intended use and measures to be put in place to help mitigate any potential nuisance issues. I am aware the applicant has agreed to amend the supply times of alcohol to Monday to Sunday 10.00 hrs to 22.30 hrs, allowing a wind down period of 30 mins each day prior to closure at 23.00 hrs.</p> <p>Environmental Health do not object to the application, however given the proximity of residential accommodation, we suggest a small number of additional conditions be attached to the licence if granted to further safeguard and promote the Prevention of Public Nuisance licensing objective.</p>

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<ol style="list-style-type: none"> 1. The outdoor area to the front of the premises must be closed and cleared of customers by 22.00hours; 2. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity; 3. A clear notice shall be displayed where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly; 4. The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks and smoking related litter, etc.
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes</p>

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

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



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Environmental Health - Health & Safety

Name and Address of Applicant	Franceska Kierle
Premises	Geshmak, 6 Clive Street, Caerphilly CF83 1GE

Your Name	Dean Pugh Date: 16/02/24
Job Title	Commercial Safety Officer
e.mail Address	Pughd1@caerphilly.gov.uk
Contact Telephone Number	01443 811339

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

Please outline the reasons for your Representations
The premises currently has an external seated open booth area located at the front of the premises and the applicant has listed a number of steps within the application in relation to public safety.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	<p>The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.</p> <p>No glass will be allowed outside.</p>
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	The contents of any bottled beverage shall be decanted into a plastic / PTE glass before service to any customer that uses the outside area.
Are you prepared to discuss these representations with the applicant by way of mediation?	Yes

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

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – CHILDREN’S SERVICES

Name of Applicant	Francesca Keirle
Premises	Geshmak Cafe Bar and Bistro, 6 Clive Street, Caerphilly

Your Name	Deb Lewis	Date 12/02/2024
Job Title	Child Protection Coordinator	
e.mail Address	Lewisdj1@caerphilly.gov.uk	
Contact Telephone Number	01443 864616	

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

Please outline the reasons for your Representations

I have had opportunity to consider the application and although the applicant has offered some licensing objectives, I believe the application can be strengthened by adopting the below wording to avoid ambiguity.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	<p>(SA01)All staff/members who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.</p>
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	<p>(SA02)</p> <p>(a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>(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.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes</p>

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

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – TRADING STANDARDS

Name of Applicant	Francesca KEIRLE
Premises	Geshmak Café Bar & Bistro, 6 Clive Street, Caerphilly CF83 1GE

Your Name	Tim Keohane	Date 14/02/2024
Job Title	Senior Trading Standards Officer	
e.mail Address	keohatp@caerphilly.gov.uk	
Contact Telephone Number	01443 811319	

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

Please outline the reasons for your Representations
My representations are to support those of my fellow Responsible Authority, Children's Services. I believe that the suggested conditions by Children's Services would be effective in promoting the Licensing Objective, the Protection of Children from Harm. I would also suggest the addition of the condition detailed below.

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	SA07 All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal and that a person aged 18 or over is accompanying the individual.
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Are you prepared to discuss these representations with the applicant by way of mediation?	Yes
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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

Name and Address of Applicant	Francesca Keirle
Premises	Geshmak, 6 Clive Street, Caerphilly CF83 1GE
Your Name	Sandra Lewis-Williams
Job Title	Assistant Licensing Manager
e.mail Address	Lewiss1@caerphilly.gov.uk
Contact Telephone Number	01443 866750
Date	21 st February 2024

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

<p>Please outline the reasons for your Representations</p> <p>The application is for a new premises licence at 6 Clive Street, Caerphilly, with supply of alcohol on and off sale, live and recorded music.</p> <p>A visit was undertaken to the premises with Gwent Police Licensing and CCBC Health and Safety (Dean Pugh) on Monday 12th February 2024</p> <p>The premises is located on a side street in Caerphilly town centre and comprises of a ground floor seating area which the applicant advised would accommodate 35 people seated at tables. The applicant advised that the premises will be run predominately as a café during the day with the sale of speciality alcohol and a bistro restaurant in the evening with occasional 'Open Mic' nights and jazz nights. The applicant has advised that their will be 4 members of staff.</p> <p>It was noted on the application form that the applicant had not allowed for any 'wind down / drinking up time' on her application as the last supply of alcohol and closing time were the same. During discussion and subsequent representation by Gwent Police Licensing the last supply of alcohol has been brought forward by 30 minutes to 22.30.</p>

The applicant advised that she does not intend on providing alcohol deliveries as part of the off – sale provision

The applicant advised that she currently operates a licensed premises in Newport but will be closing that premises to move to this location.

The applicant has put forward a number of conditions as part of her operating schedule which promote the Licensing Objectives.

Representations have been made by Gwent Police, Childrens Services, Environmental Health - Health and Safety and Pollution Control which I agree with and support.

All representations by the Responsible Authorities have been mediated and agreed by the applicant, however I would advocate a few additional conditions to further promote the 4 licensing objectives which are detailed below.

I would have no objection to the application subject to the additional conditions

What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account	<p>CCTV camera's shall monitor all area's used by premises patrons including any external area to monitor numbers and prevent crime and disorder.</p> <p>The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.</p> <p>The premises shall be cleared of customers within 30 minutes of the last supply of alcohol on any day.</p> <p>Activities relating to the on site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 09:00 and 21:00</p>
Are you prepared to discuss these representations with the applicant by way of mediation?	Yes

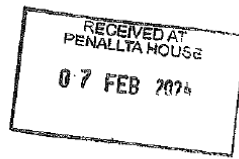
N.B. If you make a representation you will be expected to attend the Licensing Sub-Committee and any subsequent appeal proceeding.

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

BRADFORD STREET

CAERPHILLY

CF83 1GA



Dear Licensing Section,

It has been brought to my attention that there has been 2 applications for premises licencing applied for

① 6 Clive Street, CF83 1GE

Please accept this letter as notification of my
opposal the both applications.

As a resident I already have multiple issues with
drinking and rowdiness in the lane behind my property
and by approving either licence will amplify and
already poor situation.

Please feel free to call me on [REDACTED]

Best Regards

Gadewir y dudalen hon yn wag yn fwriadol

Ash White

[REDACTED] Curt Y Baddonly, Penallta, CF82 6BN

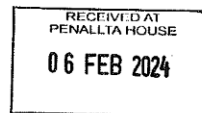
Complaint Address -

↳ 6 Clive St - CF83 1GE

Complaint -

I'm writing to complain about the recent influx of off licence shops in Caerphilly. Personally, I've always known Caerphilly as a tourist town but these recently opened corner shops/off licences have not only been a huge eye sore on a once friendly looking and colourful town, they have definitely been a source of anti social behaviour. Since these shops have opened, I've noticed more drunk people, - sometimes even teenagers - loitering the streets and participating in anti social behaviour. I truly believe that the more off licence shops that open, the worse this behaviour (and Caerphilly town in general) will become.

Many thanks,
Mr Ash White



Gadewir y dudalen hon yn wag yn fwriadol

To licensing section

~~we~~ I don't want to see anymore
premisses licence (off licence) shop.
in caerphilly town area.
* 6 chive st. CF83 1GE

[REDACTED]

I would like to see caerphilly
as a touristlike town, not alcoholic
town, it effect social behavior.

RECEIVED AT
PENALLTA HOUSE
06 FEB 2024

[REDACTED] Longfellow Gardens
Caerphilly
CF83 8TP
Jamie Grant [REDACTED]

Gadewir y dudalen hon yn wag yn fwriadol

6 Ciue St - CF83 1GE
[REDACTED]

We dont need caerphilly full of off
licenses ITS bad enough with Barbers
Shops!

lets have new Ideas & not the same
shops everywhere.

Caerphilly town is already full of drunks
on the & drug addicts.
we dont want it.

[REDACTED]
[REDACTED]
[REDACTED] St christophers drive
CF83 1DD.

RECEIVED AT
PENALLTA HOUSE
07 FEB 2024

Gadewir y dudalen hon yn wag yn fwriadol

Complaint RE anti social behavior
outside 6 Cline Street we do not need
any more off licences. [REDACTED]

[REDACTED]
Dave Murphy

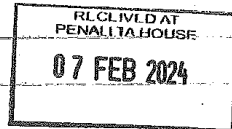
[REDACTED] Broadway Street
Caerphilly
CF83 1GB

RECEIVED AT
PENALLTA HOUSE
07 FEB 2024

Gadewir y dudalen hon yn wag yn fwriadol

3/2/24

MR Christian RPE



Clive St
Caerphilly
CF83 1GE

In opposition of OFF licence in Clive St
Caerphilly, (CF83 1GE)

I would like to take this opportunity to express my concerns and disappointment about another OFF licence proposed to open in Clive St Caerphilly. Not only another off licence opening in Caerphilly town center but only 10 meters away in the same street as another and only ~~20~~ 30 meters from another off licence on Railway Terrace and another on Castle St which have all opened in the last year or so. I'm a resident business owner of 40 years in Clive St Caerphilly and have always had a close relationship with the town center and the local residents and our concerns start with the hordes of teenagers that congregate around these shops and the surrounding rear lanes approaching residents and passer-by to go in the shop for them and that's when some of these shop keepers are not selling vape pens and alcohol to under age persons then sell us. Not only adding the risk of selling fake vape pens, cigarettes and alcohol which is well known in Caerphilly.

Also lately the amount of rubbish found blowing around the street and lanes has got out of control for instance vape pens, vape rappers, glass shot bottles, cans, drinks, ect.

Lastley Parking. Clive st is a small one way street with shops and residents parking is very restricted and limited. People are already stopping in the middle of the street parking on pavements and in the surrounding lanes causing issues for the residents passing traffic including Buses which are consentley blocked.

In my opinion another shop of this kind in this area is only going to cause more issues for the town centers local residents is not 2 enough

Kind regards


3/2/24

William Purser - [REDACTED]

[REDACTED]

[REDACTED] Bryn yr ysgol cŷz zby

Caerphilly has to mano off-licence,
due to social behaviour we dont
want any more! on bctive st

RECEIVED AT
PENALLTA HOUSE
06 FEB 2024

Gadewir y dudalen hon yn wag yn fwriadol

I would like to complain about the application for 6 Clive Street, because customers park there car opposite the road and they block the traffic, youngsters they drink by the lanes they make noise they throw old rubbish around, also has got enough off license around.



Claude Road, Caerphilly,

RECEIVED AT
PENALTIES HOUSE
15 FEB 2024

CAERPHILLY COUNTY BOROUGH COUNCIL
LICENSING DEPARTMENT
15 FEB 2024
DATE RECEIVED

Gadewir y dudalen hon yn wag yn fwriadol

Having yet another off license is not only going to continue to debter people from the town but also damage the lifyblood of the people who already own small businesses in the town. Adding an off license at 6 clive Street (CF83 1GE) is going to make the street uninhabitable for the current shop owners. The parking and road infrastructure is already struggling as is adding another shop where people will be antisocial and bothersome to the neighboring houses. The town of Caerphilly is already full of the same kinds of shops, why do we need another one?

I hope that the council will take a look at what they are putting in the town. You want to make it nicer, friendlier and more appealing. Allowing this to happen will only add to locals and tourists disgust of what Caerphilly is turning into.

[REDACTED]

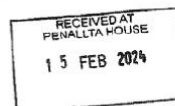
[REDACTED]

Heol Banol
Bryn cer yald
CF83 1AS

CAERPHILLY COUNTY BOROUGH COUNCIL
LICENSING DEPARTMENT

15 FEB 2024

• DATE RECEIVED



Gadewir y dudalen hon yn wag yn fwriadol

I would like to complain about
The Address of 6 Clive St - CF83 1GE.

I have noticed youngsters hanging around
Drinking and making alot of noise, Also
The Roads and footpaths are getting constantly
blocked. That is a hassle and nuisance to the
Entire Street.

Thank You

Michael Lloyd

██████████ Clive St
CF83 1GE

RECEIVED AT
PENALLTA HOUSE
15 FEB 2024

CAERPHILLY COUNTY BOROUGH COUNCIL
LICENSING DEPARTMENT

15 FEB 2024

DATE RECEIVED

Gadewir y dudalen hon yn wag yn fwriadol

[REDACTED]

[REDACTED]

RECEIVED AT
PENALTIA HOUSE
06 FEB 2024

Poplar Road
Caerphilly
CF83 1LF

I believe and fundamentally disagree with more 'off-licence' shops that further fuel the debauchery and untoward social problems that arise duly and solely because of the imbalance of this town and therefore of this plan. Against [REDACTED]

[REDACTED]

6 Clive St. CF83 1GE

[REDACTED]

02/02/24

[REDACTED]

Gadewir y dudalen hon yn wag yn fwriadol

Application - 1469077 - Geshmak - Statement in support of promises license of 6 Clove Street, Caerphilly, CF83 1GE

FOA Committee board members.

Dear committee members,

I am writing this statement to you ahead of the panel scheduled for the 15th of March 2024. The purpose of the panel is to make a decision on the granting of a premises license in relation to Geshmak, Cafe, bar and Bistro.

We are convening here today in order for you to deliberate on the matter of whether to award a premises license, and I believe it will be helpful for you to understand a little about me and the intentions I have for the growth of my business. I would like to start by introducing myself to you all.

I have always had a passion for food. One which springs from my wonderful multicultural food upbringing. My paternal grandmother was a Jewish Austrian refugee to the UK, and my maternal grandmother was an Irish Catholic. I was brought up in London amongst a rich cultural melting pot of flavour. This meant that I was lucky enough to be able to experience a range of genuine and authentic cuisines, not least those from my own heritage. My paternal grandmother, Hilda, was a phenomenal cook and a gentle and generous soul who revelled in feeding her family each Saturday. She loved her grandchildren, and we grew up with a spoon in her mixing bowl and stirring her stock-pots. She taught me about the joy of feeding and how it nourishes not only the body, but also the soul of both the receiver and the provider. I guess I learned a lot from her, and for me, cooking was always about family and friends. As such, I did not actively pursue a career in food. Instead, I decided to teach. I loved teaching and I was good at it. I could have remained a teacher, but it was not where my passion lay.

In 2015, I decided that I would apply for a space on the BBC's MasterChef (amateur) series and was lucky enough not only to be accepted as an applicant, but to make it to the semi-finals. As a teacher, you do not have a lot of spare time, so after leaving MasterChef, instead of making a career change, I went back to planning, marking, teaching. At the back of my mind was always that itch though. That question, 'Could I make a career from my passion?' In 2021 I took the plunge. I left a great career in teaching to go out on a limb, but I had faith that I could make it work, and that is how Geshmak came about. Geshmak is a Yiddish word. Although I am not Jewish, the name is a nod to my heritage. It literally means 'delicious', but also holds a deeper meaning. To describe something as Geshmak indicates you have exceedingly great delight in it.

For me, the name encompasses everything I wish to communicate, I take exceedingly great delight in what I have created. In the two years since I first welcomed diners to Geshmak in Newport, I have held a license. In that time,

I have created an oasis of calm. Diners who visit us invariably return. I would describe the atmosphere as warm and calm. Diners have often compared us to discovering small bistros throughout the South of France, and remark on how warm the welcome is and how the service and food are of an outstanding quality. Many of our patrons have become friends. We have hosted open mike nights, live jazz music evenings and even some wonderfully successful indie craft fayres, bringing together talented crafters, musicians and of course, wonderful cuisine. I am proud of what we have achieved in Newport, and would love to see it thriving in our new location. During our time in Newport, I can honestly say that we have never had cause to refuse service to any individual for any reason commensurate with the licensing objectives and laws. We have a book which we have faithfully retained at the bar area and have yet to have the need to write in it. In Newport, we worked with the authorities, our neighbours, Local residents and business owners to ensure that we were a credit and uplifted the area. We feel that we were a credit to the area. We would not tolerate antisocial behaviour or any activities that could be construed as nuisance in any way. The very idea is abhorrent to me. Bringing Geshmak to Caerphilly would enhance, rather than in any way be detrimental to the area.

During this application process, we have worked with the relevant bodies to ensure that there is a robust agreement in place, with conditions which are clear and offer security for us and everyone else involved. We absolutely dispute that our presence would cause any issues for neighbours and will always seek to take all steps to ensure that this would never be the case. I am a responsible and experienced licensee and will uphold all the licensing objectives. The idea that we are opening an off license is a clear misunderstanding and a reading of our original application would have made this clear. The term 'On and Off sales' was included in order for us to be able to stock some speciality deli offerings for sale, which may be alcoholic and we would not offer any generic or large quantities for off sales. I understand the concerns that have been expressed, but they are associated with other types of business. In fact, our CCTV coverage will make antisocial behaviour around Clive Street less likely, or may even aid in bringing any perpetrators to justice.

Thank you very much for taking the time to read this statement, and I ask that you consider the application favourably and grant the license.

Signed

Francesca Keirle

St Woolos Road
Newport
South Wales
NP20 4GN

23 February 2024

The Licensing Officer
Caerphilly County Borough Council

Dear Sir

I am contacting you in relation to the licensing application for Geshmak, 6 Clive Street, Caerphilly, CF83 1GE.

I am a retired police officer and was a customer of the applicant at her premises in Newport. I felt the premises were run to a high standard, her licence was clearly displayed, as were drink prices, drinks were only offered to complement the dining experience. I have never witnessed any disorder in the premises due to drunk customers or evidence of drinking vessels or bottles outside the premises when people went to smoke. There were also signs inside the premises for patrons to be respectful to neighbours when they left.

I hope this is useful to your deliberations.

Yours faithfully

Richard Thomas

Gadewir y dudalen hon yn wag yn fwriadol

From: [Hopkins Kathryn](#) on behalf of [www-licensing](#)
 To: [Rees David J](#)
 Subject: FW: Application - 1469077 - Geshmak
 Date: 23 February 2024 1S:2S:S2

From: Francesca Keirle [REDACTED]
Sent: Friday, February 23, 2024 2:00 PM
To: WWW: Licensing <licensing@caerphilly.gov.uk>
Subject: Fwd: Application --- Geshmak

Hi David, please find attached the reference from Cllr Jane Mudd.

Regards

Fran

--- Forwarded message-----

From: **e-mail jane.mudd** [REDACTED]
 Date: Thu, 22 Feb 2024, 14:54
 Subject: Fwd: Application - 1469077 - Geshmak
 To: [REDACTED]

--- Original Message ---

From: "e-mail jane.mudd" [REDACTED]
 To: "licensing@caerphilly.gov.uk" <licensing@caerphilly.gov.uk>
 Date: 22/02/2024 14:45 GMT
 Subject: Application — — — Geshmak
 FAO - Chair and members, CCBC Licensing Committee

Good afternoon colleagues

I would like to share some information with you regarding the above application which may help you in your deliberations.

As you may be aware from the application this business is relocating to 6 Clive Street, Caerphilly from Charles Street in Newport. Whilst this is a loss to Newport I am delighted that Fran is now in a position to take her next steps in terms of establishing and growing her business in Caerphilly. Geshmak has been a very popular independent restaurant here in Newport and I am sure that the experience will be similar in Caerphilly.

I have followed Fran's culinary career with interest, for quite some time, from her appearance on Master Chef to her start up in Barnabas Arts House and on to her own business Geshmak. She is a talented and accomplished chef and her restaurant offer is outstanding. She has held a license in Newport and there were no issues with this.

Whilst Newport's loss is Caerphilly's gain, I certainly have no hesitation in recommending her application to you. Geshmak is a stable business and Fran is a very responsible owner.

Although I write to you in a personal capacity I would add that in my professional capacity, as Leader of Newport City Council, am delighted to see one of our independent businesses grow and flourish, albeit in a neighbouring local authority area. Geshmak will be a strong addition to the independent offer in Caerphilly. Should you require any further information please don't hesitate to contact me.

Kind Regards

Jane Mudd

Gadewir y dudalen hon yn wag yn fwriadol

1. The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. All records shall be kept for a period of 12 months
2. All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable. The records shall be kept for a 12 month period
3. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
4. 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.
5. All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal and that a person aged 18 or over is accompanying the individual.
6. The premises licence holder shall ensure that all drinking glasses used within the premises are of toughened or safety glass to the appropriate safety standard, in that they shall not produce sharp shards when broken.
7. The contents of any bottled beverage shall be decanted into a plastic / PTE / glass before service to any customer that uses the outside area. No glass will be allowed outside.
8. The outside area will not be used after 22.00 hrs

9. The outdoor area to the front of the premises must be closed and cleared of customers by 22.00 hours.
10. There shall be no consumption of alcoholic beverages purchased from the premises in open containers outside at the front of the premises unless seated in a dedicated area with table and chairs.
11. All off sales will be in sealed containers.
12. The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.
13. The Outside area to be monitored periodically by staff through licensable times.
14. Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told to move away from the vicinity of the premises by the premises supervisor, manager or other competent person.
15. Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.
16. Clear notices must be displayed at all points where customers leave the building instructing them to respect the needs of local residents and leave the premises and the area quietly.
17. Activities relating to the on-site disposal (including placing into external receptacles) and collection of refuse, bottles and recyclable materials shall only take place between 09:00 and 21:00.
18. The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, where necessary the premises licence holder shall ensure that adequate measures are in place to provide customers with sufficient receptacles for the depositing of waste materials such as food wrappings, drinks and smoking related litter, etc.
19. All staff/members who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties.
20. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers.

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

The document shall be available for inspection on request by an authorised officer of the Licensing Authority or a Constable. All records to be kept for a minimum of 12 months.

22. Children must be accompanied and supervised by a responsible adult at all times.

23. CCTV shall be in use at the premises.

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

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

(iii) The premises licence holder shall ensure images from the CCTV are retained for a period of 30 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) The system shall also record clear images permitting the identification of individuals.

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

24. CCTV camera's shall monitor all area's used by premises patrons including any external area to monitor numbers and prevent crime and disorder.

25. The licence holder or DPS shall risk assess the need for SIA door supervisors to be present in the premises when key sporting events are taking place or when a function of any kind is taking place.

26. If door supervisors are present then the premises licence holder shall ensure that the following details for each door supervisor, are contemporaneously entered into a bound register kept for that purpose:

(i) Full name;

(ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);

(i) The time they began their duty;

(iv) The time they completed their duty.

This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.