



IS-BWYLLGOR TRWYDDEDU A GAMBLO

MINUTES OF THE MEETING HELD AT YSTAFELL RHYMNI, TŶ PENALLTA, TREDOMEN, YSTRAD MYNACH ON DYDD MAWRTH, 5ED MAWRTH, 2024 AT 9.30 AM

PRESENT

Councillor W. Williams – Chair

Councillors:

D.C. Harse a S. Williams

Together with:

K. Hopkins (Senior Licensing Officer), A. Morgan (Licensing Officer), T. Rawson (Solicitor), J. Thomas (Committee Services Officer)

Representing Gwent Police

PC J. Taylor

Representing the Applicant

Saver Health and Beauty Ltd – M. Morgan (Regional Manager), G. Davies (Store Manager), M. Powell (Area Manager) and E. Canning (Saver Licensing Officer).

TREFNIADAU CYFLWYNO, COFNODIAFFILMIO

The Chair welcomed all those in attendance and introductions were made. The Chair reminded those present that the meeting was being live-streamed. The Chair welcomed all those in attendance and introductions were made. The Chair reminded those present that the meeting was being live-streamed and recorded and would be made available following the meeting via the Council's website – [Click Here to View](#)

1 I DDERBYN YMDDIHEURIADAU AM ABSENOLDEB

No Apologies for absence were received.

2 DATGANIADAU O DDIDDORDEB.

There were no declarations of interest made at the beginning or during the course of the meeting.

3 DEDDF TRWYDDEDU 2003 - PENDERFYNU CAIS AM DRWYDDED SAFLE.

The Chairman opened the meeting and introductions were made.

The Legal Advisor to the Sub Committee asked the Senior Licensing Officer to confirm that the residents had been given appropriate notice of the hearing in line with the statutory requirements within the Licensing Act 2003. The Officer confirmed the relevant notice had been given to the residents objecting to the premise licence application. The Sub Committee were given the opportunity to adjourn the meeting. However, the Legal Advisor stated that it was likely that the residents had chosen not to attend the meeting. The Sub Committee unanimously agreed to continue with the procedure.

The Legal Advisor outlined the procedure for the meeting and reported that Members had previously familiarised themselves with the report of the Licensing Officer, the application and plan of the premises together with the written submissions from the Police as a Responsible Authority and Local Residents who were objecting to the application.

The Senior Licensing Officer presented the Licensing Managers report which outlined the application submitted for a new premise licence at Savers, 83 Cardiff Road, Caerphilly CF83 1FQ with the proposed operating hours for the supply of alcohol (off sales only).

Sale of Alcohol (off sales only)

- Monday to Saturday inclusive – 08.30am – 7.00pm
- Sunday 09.00am to 5.00pm.
- Monday to Saturday 14th November to 24th December until 8.00pm.

The Senior Licensing Officer then referred to representations received in relation to the application from the Police as a Responsible Authority and Other Persons i.e. Local Residents that were set out within the report. Copies of which were circulated with the agenda.

Attention was then drawn to the local policy considerations as set out within the report and to the way in which the Sub Committee should deal with the application. It was explained that the Sub Committee must have regard to the report, the representations made and to the evidence heard. It must take such steps as is considered necessary for the promotion of the licensing objectives and could:-

- Grant the application as requested to include, where appropriate, mandatory conditions
- Modify the conditions specified in the operating schedule by altering, omitting or adding to them.
- Reject the whole or part of the application.

The Chair invited the applicant to make their submissions.

The Regional Manager addressed the Sub Committee in support of the application submitted and assured Members that the 330 Savers that hold premises licences throughout the Country have never been prosecuted for any offence under the Licensing Act. Members were also assured that the premises has till prompts for all age restricted products and an external company carries out two test purchases a year on each premises. If there are any successful sales, the member of staff is issued a disciplinary. The Members were advised that there are at least three members of staff employed at each premises that hold a Personal Licence. The Members were also advised that every member of staff is required to complete online training every six months which includes a section on underage sales and their responsibilities under the Licensing Act these records are kept on an online system and available for inspection at the premises.

Following a query raised by the Legal Advisor the Regional Manager confirmed that the plan submitted as part of the application that was attached to the published report highlights in yellow the areas that alcohol will be on display for sale in the premises.

The Chair invited the Responsible Authorities to make their representations.

PC. A. Jones addressed the Sub Committee outlining the representations included within the report and confirmed the applicant had agreed to the suggested additional conditions. Therefore, the Police had no objection to the application as it was felt that the conditions were robust enough to mitigate any antisocial behaviour.

The Legal Advisor referred the Police Officer to the resident's objection which were included within the report, and asked if the Police could comment on the suggestion that there was antisocial behaviour associated with the number of off licensed premises in Caerphilly town centre. The Police Officer advised that the residents had not been specific in location and therefore there is no evidence that can be attributed to antisocial behaviour in relation to off sale licensed premises. However, the Police Officer confirmed that they work with another two Savers in other areas and there have never been any issues relating to antisocial behaviour.

Responding to a query raised by the Sub Committee, the Police Officer clarified that the applicant only had responsibility to public congregating directly outside the premises and not on the pavement as this would be a highway issue.

All parties were then afforded the opportunity to sum up before the Licensing and Gambling Sub Committee retired to make its decision.

In closing the Senior Licensing Officer asked Members to consider all the representations before them, the evidence heard at the meeting, and all Licensing guidance when making their decision. The Sub Committee were reminded of the need to consider the promotion of the Licensing Objectives and whether the applicant would be able to meet the same.

The Police stated that they had no further comments and confirmed their position that they have no objection to the application.

The Regional Manager had no further comments.

The Legal Advisor informed all parties present that the Sub Committee would retire to consider the representations made at the meeting and they would be informed in writing of the decision in the next 5 days.

The Sub Committee retired at 10.00am to make its decision and all other parties left the meeting.

The decision of the Licensing and Gambling Sub Committee in regard to the hearing held on 5th March 2024 in respect of an application for a new premises licence at Savers, 83 Cardiff Road, Caerphilly, CF83 1FQ is to grant the premises licence to allow:

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

Monday to Saturday 08.30hrs to 19.00hrs

Sunday 09.00hrs to 17.00hrs

Between Monday-Saturday from 14 November to 24 December until 20.00hrs

subject to the conditions set out within Appendix 10 of the Licensing Report, attached hereto.

In reaching this decision the Sub-Committee considered the promotion of the four licensing objectives, being the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub Committee had regard to the statutory guidance and the council's licensing policy.

The Sub-Committee gave significant weight that no Responsible Authority opposed the application. In this respect, there appeared to be no opposition to the application based on public safety, the prevention of public nuisance or the protection of children from harm. The objection to the application, made by two residents, appeared to principally relate to the promotion of prevention of crime and disorder, though the Sub Committee accepted that there can be some limited cross-over between such objective and the remaining three licencing objectives.

The two resident objectors failed to appear at the hearing. The Sub Committee accepted the evidence from the Senior Licensing Officer that each resident had been sent a notification of the hearing and no indication had been received from either resident if they intended to attend the hearing. The Sub Committee were equally satisfied that no contact had been received by the licensing team or Committee Services from either resident that explained their respective absence or any request for the hearing to be adjourned. The Sub-Committee decided pursuant to regulation 20(2)(b) of *The Licensing Act 2003 (Hearings) Regulations 2005* to hear the application in the absence of the two residents who had objected to the application. The Sub-Committee did not consider that it was in the public interest to adjourn the hearing to a further date. The Sub Committee, in reaching its decision, gave regard to the written objections provided by each respective resident comprising pages 35 and 37 of the Licencing Report.

The Sub Committee were sufficiently persuaded by the evidence of the Applicant that it is an enterprise with long-standing experience in the off sales of alcohol. It heard evidence that a significant amount of its stores sell off-sales alcohol. The Sub-committee was made aware of the various policies, training programs and quality control the Applicant employs to ensure all licensed stores take actions to promote the licensing objectives. This included a proactive program of self-testing its stores with an independent company carrying out periodic test purchases where ID production for the alcohol purchase would need to be produced. The Applicant detailed what steps are taken should such test purchase fail, including the further provision of training for the manager and staff of the relevant store. The Sub-Committee gave significant weight to the evidence that the Applicant, across it licensed stores had not had a review of any of its licenses and had not been subject to any prosecution regarding any instances of alleged sales of alcohol to under-age customers or to people who are intoxicated. In short, the Sub-Committee reached the clear view that it had strong confidence in the Applicant's ability to promote the licensing objectives in regard to the licenced activity.

The Sub Committee noted that the council does not have a cumulative policy in terms of premises licencing. Given this, the Sub Committee did not give any significant weight to each residents' objection that were based on there being an "influx" of off-licence premises within the Caerphilly town centre. There may or may not be an influx of such premises – but this element alone would be an insufficient basis on which to refuse the application under the terms of the council's own licensing policy.

The resident objections principally relied on a link between off-sale alcohol and anti-social behaviour (a form of disorder) within the town centre. In assessing the weight to give this evidence the Sub Committee considered paragraph 9.12 of the Home Office – Revised Guidance issued under section 182 of the Licensing Act 2003. Each responsible authority are experts in their field and the Sub-Committee gave significant weight to Gwent Police not opposing the application. The evidence provided at the hearing by Gwent Police did not support the resident's objections. Gwent Police submitted that the off-licence sales of alcohol was difficult to attribute to being the cause of anti-social behaviour, as the link between the licenced premises, consumption of alcohol and any anti-social behaviour was not often clear. Gwent Police indicated that the applicant should only be responsible for customers behaviour within the premises and its immediate shop frontage. The Sub Committee accepted this submission, which echoed a similar position in regard to the public nuisance licencing objective at paragraph 2.26 of the above s.182 guidance (which itself uses the example of anti-social behaviour).

The Sub Committee were unable to give a lot of weight to the two residents' evidence. The written objections for each were less than one respective page. The representations expressed broad complaints and the Sub Committee noted paragraph 9.9 of the above s.182 guidance and its application in this matter. The opportunity for the objecting residents to attend the hearing to amplify and or clarify their objections had not been taken. The Sub Committee took the view that there may be ASB within Caerphilly town centre – but the determination of the application did not solely rest on whether this was the case. The critical link between the licensed activity (off-sales of alcohol) and any ASB was not borne out in the written objections. The residents had not made themselves available to the hearing to be questioned as to why they had concluded that the ASB they are alleged to have witnessed was caused by off-sales of alcohol as opposed, for instance, from on-sales of alcohol at nearby licenced premises.

The Sub Committee were sufficiently confident that the Applicant had sufficient experience, training support and policies in place to ensure that sale of alcohol to underage customers was very unlikely to take place. The Sub Committee were not satisfied that promotion of the licencing objectives could only be promoted by a complete refusal of the application.

In the Sub Committee's judgement, it was adequately satisfied that the licensing objectives, particularly in regard to the prevention of crime and disorder, would be sufficiently promoted by the Applicant to justify the grant of the licence applied for. The Sub Committee was equally satisfied that the licence conditions, as settled between Gwent Police and the Applicant prior to the hearing, were all the current conditions necessary to promote the licencing objectives in this instance.

RESOLVED that the application for a new premises licence as set out in Section 1.3 of the Licensing Manager's report be GRANTED, subject to the conditions agreed in line with recommendations by Gwent Police and the Licensing Authority as detailed in appendix 6 in the Officers report.

Any person aggrieved by this decision has 21 days from the date of written notification of the decision to appeal to the local Magistrates Court.

APPENDIX

Conditions applicable to the grant of the licence as per Appendix 10 of the Licensing Manager's report:

1. CCTV system is installed that is capable of continuously recording for a period of not less than 31 days meeting Home Office Guidelines and is maintained in good working order.

Recordings will be made of all trading periods.

The correct date and time will be generated onto both recording and real time image screen.

The system is able to produce copies of recordings on site.

The system is capable of facial image recognition of all persons both entering and exiting the store. At least one camera from the system covers the doorway and another covers the till area.

Copies of recordings shall be provided on request to an office under the direction and control of the Police or an officer of the Licensing Authority.

The DPS will 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 an authorised officer of the Licensing Authority or the Police.

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

The DPS will take such steps as necessary to ensure that the system is operated and maintained in accordance with these conditions.

2. High Strength spirits (20% abv or above) will only be displayed behind the till area.
3. Provision will be made for the disabled to ensure safe evacuation in the event of fire or other emergency and general access to the store.
4. All planning requirements will be met and procedures established to prevent noise nuisance from deliveries.
5. Measures will be in place to ensure the proper disposal of all waste.
6. 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 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.
7. The store will operate a Challenge 25 Policy. Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.
8. Staff will receive training not less than every 6 months in respect of Challenge 25 and records will be kept of all training and refresher training.
9. Training will include the refusal of service to any person appearing under 25 unless they can produce an acceptable means of identification to show they are 18 or over. Acceptable means of identification will include passport, photo driving licence. or PASS accredited photo ID.
10. Should customers be directly outside the premises entrance causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity of the store by the premises supervisor, manager or other competent person.

CHAIR