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For all enquiries relating to this agenda please contact Jo Thomas
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Date: 26th February 2024

To Whom It May Concern,

A multi-locational meeting of the **Licensing and Gambling Sub Committee** will be held in Penallta House, and via Microsoft Teams on **Tuesday, 5th March, 2024** at **9.30 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

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

This meeting will be live-streamed and a recording made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the [Council's website](#).

Yours faithfully,

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

Christina Harrhy
CHIEF EXECUTIVE

A G E N D A

| | Pages |
|-------------------------------------|-------|
| 1 To receive apologies for absence. | |

A greener place Man gwyrddach



2 Declarations of Interest.

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

3 Licensing Act 2003 -Determination Of Premises Licence Application.

1 - 46

Circulation:

Councillors D.C. Harse, S. Williams and W. Williams (Chair)

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

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

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LICENSING AND GAMBLING SUB COMMITTEE - 5TH MARCH 2024

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

REPORT BY: LEE MORGAN LICENSING MANAGER

1. Application Details –

| <u>Applicant</u> | <u>Premises</u> | <u>Application Type</u> |
|--|---|--------------------------------|
| Savers Health and Beauty Ltd Hutchinson House, 5 Hester Road, Battersea London SW11 4AN | Savers 83 Cardiff Road, Caerphilly, CF83 1FQ | 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, *'A retail shop selling a range of health and beauty products plus household goods and food.'*

1.2 **Site Plan/Photographs**

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

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

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

1.3 **Proposed Trading Times and Licensable Activity**

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

- **Supply of Alcohol (Off Sales only)**
- **Monday to Saturday 08.30hrs to 19.00hrs**
- **Sunday 09.00 to 17.00hrs**
- **Monday - Saturday 14th November to 24th December until 20:00**

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

The Company maintains comprehensive regulatory compliance procedures and all aspects of the four licensing objectives are covered by these procedures. We work with Slough Borough Council in a Primary Authority Partnership for age restricted products.

A 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.

High Strength spirits (20% abv or above) will only be displayed behind the till area.

Fire safety measures and procedures are in operation at the store in accordance with Fire Safety Regulations.

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.

All planning requirements will be met and procedures established to prevent noise nuisance from deliveries. Measures will be in place to ensure the proper disposal of all waste.

A written log will be kept of all refusals including refusals to sell alcohol. This will be maintained and checked weekly which will be recorded by signing and dating the log.

The store will operate a Challenge 25 Policy. Challenge 25 posters will be displayed in prominent parts of the premises.

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.

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.

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 |
|-----------------------|-------------------|--------------------|
| representation | 18/01/2024 | Appendix 6 |

The Fire Authority, Child Protection Officer, Licensing Authority in its role as a responsible authority and Environmental Health (Health and Safety) 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 |
|----------------------------------|-------------------|--------------------|
| A White representation | 06/02/2024 | Appendix 7 |
| T Elsworth representation | 06/02/2024 | Appendix 8 |

1.6 SUMMARY OF REPRESENTATIONS

Heddlu Gwent Police do not object to the application but have advocated the re-wording of some conditions and an additional condition that would support the applicant in the promotion of the licensing objectives. These related to refusal / incident recording, Challenge 25 signage and encouragement to move patrons away from the front of the premises.

There were two 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.

A second resident disagrees with more off licence shops that will fuel the debauchery and untoward social problems.

1.7 APPLICANT RESPONSE

The applicant's representative has responded to agree conditions proposed by Gwent Police. A copy of this response is reproduced as **Appendix 9**.

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 'off sales' of alcohol.

The applicant seeks to provide the retail sale of alcohol between the hours 08.30 hrs to 19.00hrs Monday to Saturday and Sunday 09.00hrs to 17.00hrs. The following non-standard timings were also sought namely Monday - Saturday 14th November to 24th December until 20:00.

Relevant representations making objections to the granting of the premises licence have been received from 2 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.'*

The residents will be able to amplify their concerns about the merits of this application given reference to "antisocial behaviour" and "debauchery and untoward social problems" to Members at the hearing.

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.

It is noted that aside from Gwent Police seeking amendment to suggested conditions and one other condition, no other Responsible Authority (RA) has commented on this application.

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 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.'*

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.'

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.'*

Guidance for Members in relation to hours' is offered in the Home Office Section 182 Guidance at Paragraph 10.15 which details '*Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours'*

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

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.

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

If Members determined to refuse the application to permit the sale of alcohol, then it would not prevent the applicants' ability to sell other food and non-alcoholic drink products.

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

1.10 RECOMMENDATION

Having had regard to the objections made by residents and noting the position taken by the Responsible Authorities, given the absence of their comments. It is recommended that the application to permit the sale of alcohol for off sales as set out in paragraph 1.3 of the report, **be granted** subject to the conditions as set out in **Appendix 10**. It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in the same.

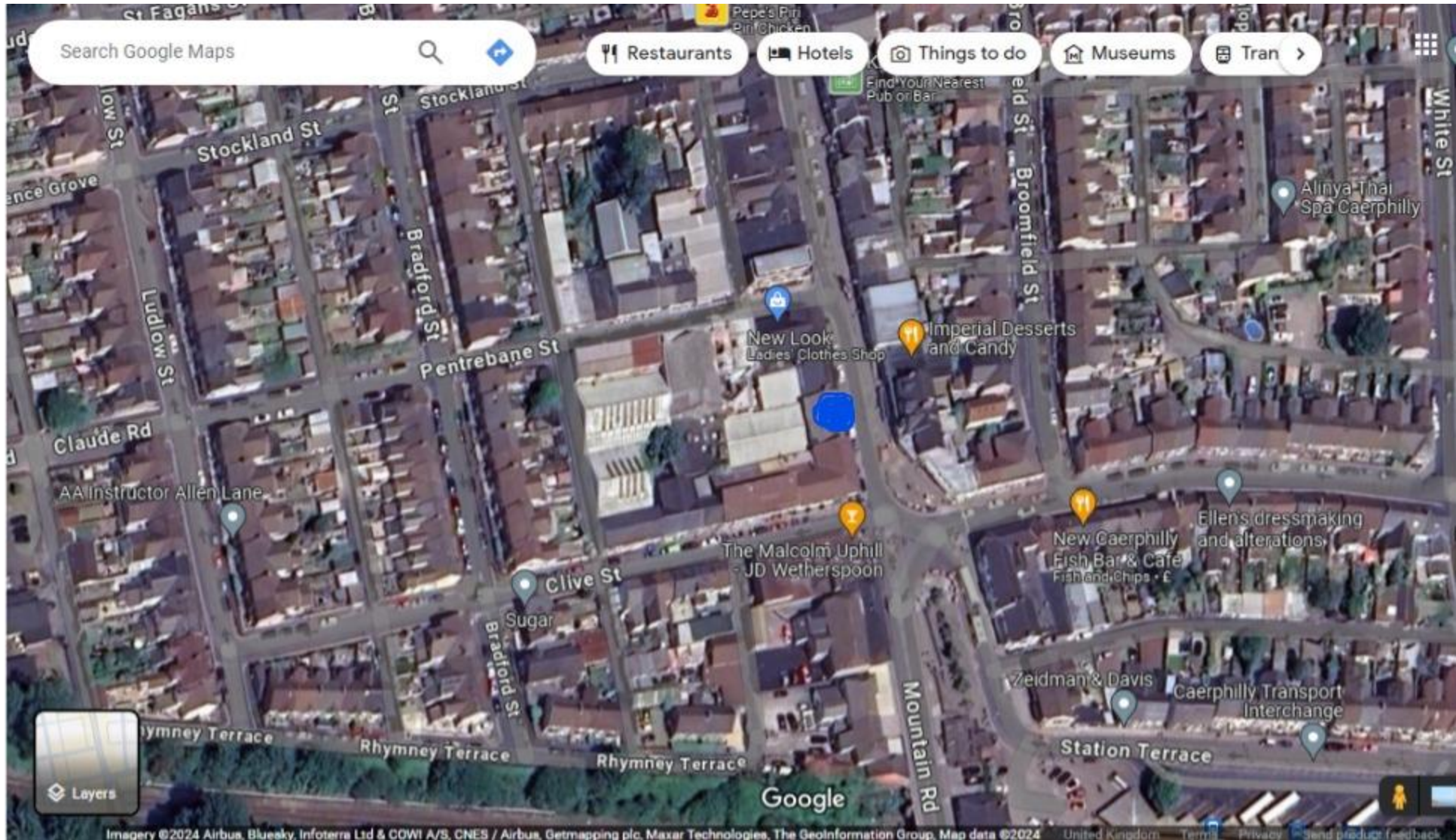
Background Papers: Statutory Guidance issued under S182 of the Licensing Act
Caerphilly CBC Statement of Licensing Policy

Date of this report: 21st February 2024

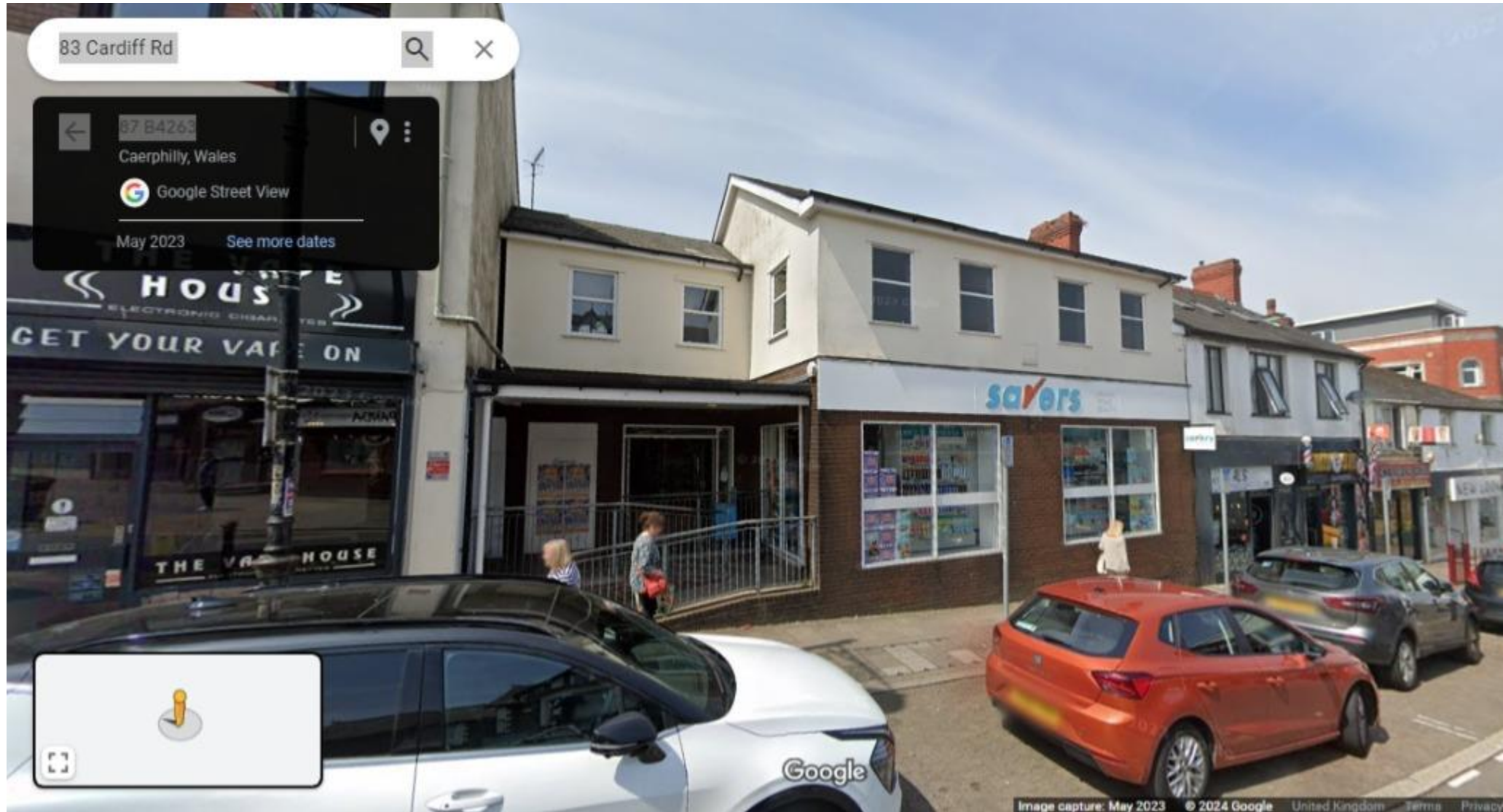
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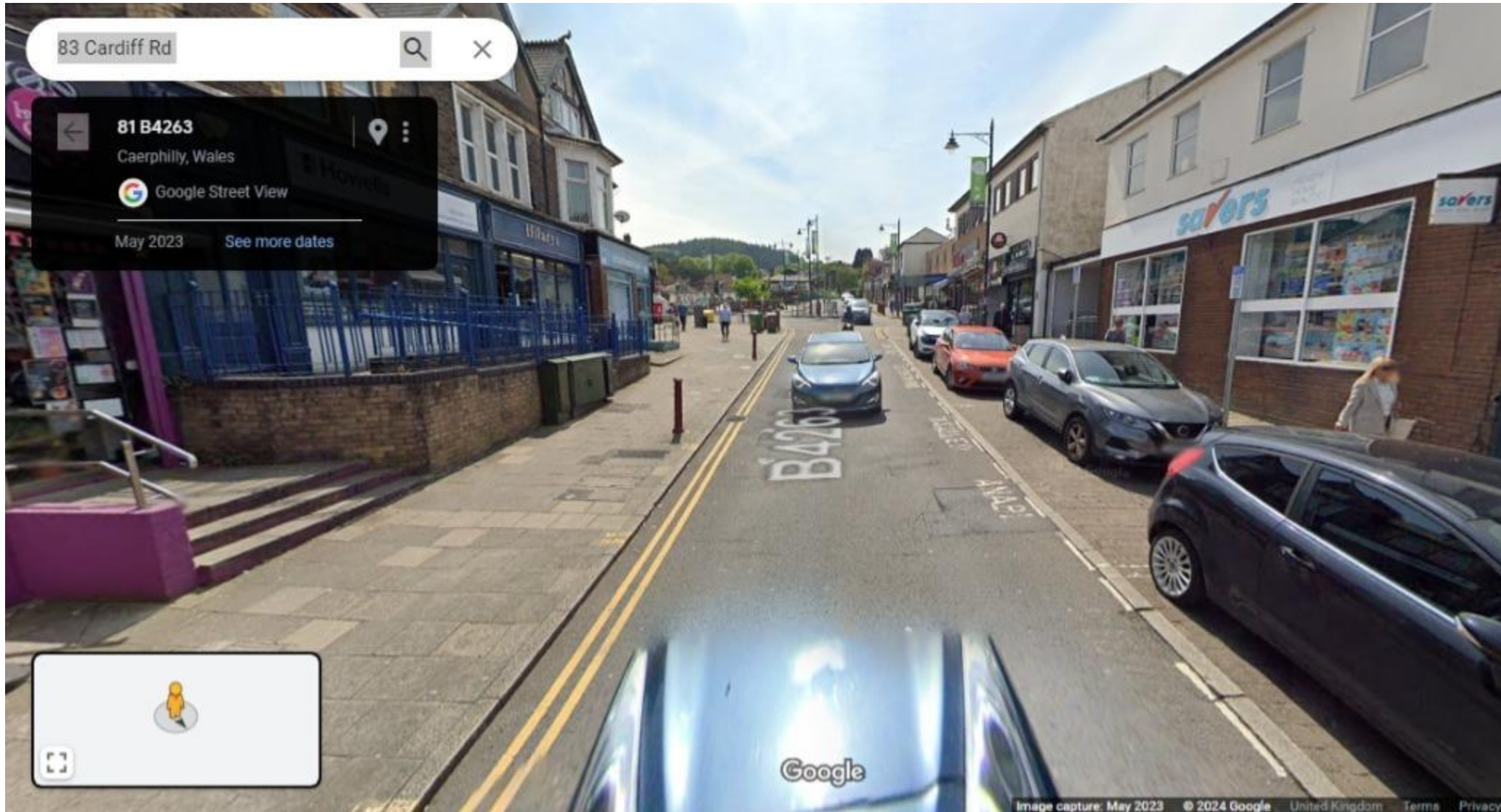
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Extract of Statement of Licensing Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

11.3 The Licensing Authority recognises that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and

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

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

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

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

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

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

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

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

- That 'Challenge 25' is supported as part of the age verification scheme

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

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

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

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

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

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within

the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

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

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

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

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

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

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

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

28.7 Whilst the Licensing Authority expects representations to be evidence based, there is no requirement for a Responsible Authority or other person to produce a recorded history of

problems at premises to support their representations, and it is recognised that in fact this would not be possible for new premises.

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

28.12 The Licensing Authority will accept all reasonable and proportionate representations made by the police unless it has evidence that do so would not be appropriate for the promotion of the Licensing Objectives. However the Licensing Authority will still expect any police representations to be evidence based and able to withstand scrutiny at a hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.21 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.22 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.27 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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

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

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

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

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

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact assessment), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.44 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will

very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the consideration given to the licensing objectives and any measures that are proposed to promote them.

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

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

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

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

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

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

those operating in their local 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.

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Gwent Police

| | |
|--------------------------|---|
| Name of Applicant | Savers Health and Beauty ltd |
| Premises | Savers 83 Cardiff Road , Caerphilly CF 83 1FQ |

| | |
|---------------------------------|--|
| Your Name | Pc 1141 Taylor |
| Job Title | Police Constable |
| email Address | licensingwest@gwent.police.uk |
| Contact Telephone Number | |
| Date | 18/1/2024 |

| | |
|---|---|
| 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

Gwent police have received a new premises license application from Saver's health and beauty ltd for a premises at 83 Cardiff Road, Caerphilly.

The premises is A retail shop selling a range of health and beauty products plus household goods and food. The applicant is seeking a premises licence that will authorise the sale by retail of alcohol for consumption off the premises only and the premises to be open to the public from 08.30 to 19.00 hrs on Monday to Saturday and Sunday 09.00 to 17.00

The sale of alcohol has been applied for the same hours as the premises is open to the public. 08.30 to 19.00 hrs on Monday to Saturday and Sunday 09.00 to 17.00.

With seasonal variations of these times for Alcohol Supply and store opening hours of Monday to Saturday 14th November to 24th December 08.30 to 20.00 hrs

[Type here]

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.

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

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

The applicant has proposed the following:

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.

High Strength spirits (20% abv or above) will only be displayed behind the till area.

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

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

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| | |
|--|---|
| | <p>Fire safety measures and procedures are in operation at the store in accordance with Fire Safety Regulations. 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.</p> <p>All planning requirements will be met and procedures established to prevent noise nuisance from deliveries.</p> <p>Measures will be in place to ensure the proper disposal of all waste.</p> <p>A written log will be kept of all refusals including refusals to sell alcohol. This will be maintained and checked weekly which will be recorded by signing and dating the log.</p> <p>Gwent police would like this reworded to 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</p> <p>The store will operate a Challenge 25 Policy Challenge 25 posters will be displayed in prominent parts of the premises</p> <p>In addition Gwent Police would like the following added</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

[Type here]

| | |
|---|--|
| | <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>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.</p> <p>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.</p> <p>Gwent police would like the following condition added</p> <p>Should customers be outside the premises causing congestion on the pavement, 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</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

Ash White
F,

a, Penallta, CF82 6BN

Complaint Address -

↳ 6 Clive St - CF83 1GE

↳ 83 ~~Cardiff~~ Cardiff ~~Rd~~ Rd - CF83 1FQ

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



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Thomas Elsworth




RECEIVED AT
PENALLTA 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 directly and solely because of the imbalance of this town and therefore of this plan. Against. — 

CF83 1FQ 83 Cardiff Road

6 Clive St. CF83 1GE

Thomas Elsworth
02/02/24



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From: [Hookins, Kathryn](#) on behalf of [WWW: Licensing](#)
To: [Morgan, Alan](#)
Subject: FW: New Premises Licence- Savers, Caerphilly- Representation received
Date: 25 January 2024 15:43:36
Attachments: [image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)
[image017.png](#)

FYI

From: Savers Age-Restricted <savers.age-restricted@uk.aswatson.com>
Sent: Thursday, January 25, 2024 2:41 PM
To: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Cc: [LicensingWest <LicensingWest@went.police.uk>](mailto:LicensingWest@went.police.uk)
Subject: RE: New Premises Licence- Savers, Caerphilly- Representation received

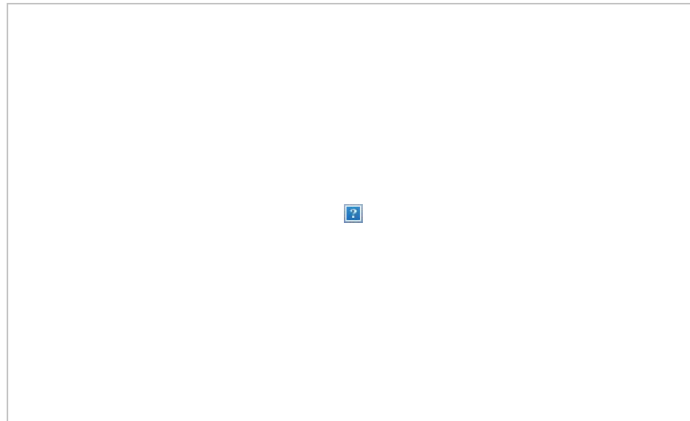
Good Afternoon,

As discussed with PC Taylor we are happy to accept the conditions as written below:

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 book in which full details of all incidents are recorded. This shall include details of any refusals 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. 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.
3. 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.

Kind Regards

Eleanor



From: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Sent: Thursday, January 25, 2024 11:35 AM
To: Savers Age-Restricted <savers.age-restricted@uk.aswatson.com>
Subject: FW: New Premises Licence- Savers, Caerphilly- Representation received

WARNING: This email was sent from an external network. Do not click links or open attachments unless you recognise the source and know the content is safe.

Good morning,

I see that you have been copied into the Police response.

Could you please email me to confirm if you agree with the response.

Kind regards,

Siân Rees

Swyddog Trwyddedu | Licensing Officer

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750

✉ reess10@caerphilly.gov.uk reess10@caerffili.gov.uk

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Gwylwch ein Sianel YouTube | Watch our YouTube Channel
Edrychwch ar ein horiol lluniau ar Flickr | View our photo galleries on Flickr

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www.facebook.com/CaerphillyCBC
twitter.com/caerphillycbc
www.youtube.com/caerphillycbctv
www.flickr.com/photos/caerphillycbc

Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

From: LicensingWest <LicensingWest@gwent.police.uk>
Sent: Thursday, January 25, 2024 8:32 AM
To: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Cc: savers.age-restricted@uk.aswatson.com; Jones, Adrian <[REDACTED]>
Subject: RE: New Premises Licence- Savers, Caerphilly- Representation received
Morning ,

Re

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."

Our stores already use refusals logs for alcohol sales. For the incident log, do you have a template of what it is expected to look like and also what is considered to be a bound book? Would a folder with the printed-out incident log be acceptable for this?

Reply - Yes , absolutely fine . Most premises use a Page a Day A4 diary and that doubles as an incident / refusals record that is bound . Happy to remove the word 'BOUND ' from the condition

1. "Should customers be outside the premises causing congestion on the pavement, 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."

For the above condition, whilst we are happy for any incidents that take place on the company premises to be dealt with and customers to be asked to move on, our teams would not be able to enforce this outside of our premises. Should any incidents migrate outside of the premises, our team members will ask customers to move on but as explained, they would be unable to enforce this outside of the premises. With this condition do you refer just to the **alcove with railings directly outside of the store**, or on the street as well?

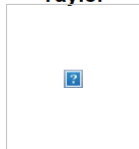
We would also be happy for our teams to report any such incidents via a radio, should there be a radio scheme available or report to the police should there be a need to escalate due to seriousness.

Reply - The responsibility would only be the entrance and area directly outside . No expectations or responsibility for the whole street or any defined area. It's a Generic condition we use for nearly all OFF sales applications . It discourages ASB / loitering around areas of alcohol sales . It's a condition I guess you would routinely use now if access or egress is blocked . Any issues outside above a normal resolution would be a police request anyway and an entry in the Incident folder .

Happy to discuss further - 0 Cofion

gorau | Kind regards

Jonathan Taylor



Cwnstabi 1141 | Constable 1141
Trwyddedu a Mets/Licensing & Mates
Partneriaeth a Chymunedau (Gorllewin)
Partnership & Communities (West)
Ebbw Vale Police Station
NP23 6UY
Heddlu Gwent Police
Ffôn symudol | Mobile:
E-bost | E-mail: :
LicensingWest@gwent.police.uk
Pencadlys yr Heddlu | Police Headquarters | Croesyceiliog | Cwmbrân | NP44 2XJ



Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
Byddwn yn ymateb yn brydion ac yn gydradd a byddwn yn ymateb yn eich iaith o ddewis.
We welcome correspondence in Welsh and English.
We will respond in a timely and equal way to both and will reply in your language of choice.

From: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Sent: Wednesday, January 24, 2024 4:10 PM
To: LicensingWest <LicensingWest@gwent.police.uk>
Subject: FW: New Premises Licence- Savers, Caerphilly- Representation received

Good afternoon,
Please see the email below, that we have received from Saver's Caerphilly, in response to your representation.
If you could please provide a response, I will ensure it is passed on to them.

Kind regards,

Siân Rees

Swyddog Trwyddedu | Licensing Officer
Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750

✉ reess10@caerphilly.gov.uk reess10@caerffili.gov.uk

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Gallwch ohebu mewn unrhyw iaith neu fformat.Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.
Correspondence may be in any language or format. Corresponding in Welsh will not lead to any delay.

From: Savers Age-Restricted <savers.age-restricted@uk.aswatson.com>

Sent: Wednesday, January 24, 2024 3:49 PM

To: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

Subject: RE: New Premises Licence- Savers, Caerphilly- Representation received

Good Afternoon,

Apologies for the delay in getting back to you, we have been discussing this with our manager.

Thank you for your email and forwarding on the representations received.

We have reviewed and we are happy with most of the conditions proposed however have a few questions in relation to these 2 of the conditions. If you can advise us further or put us in contact with someone who can, it would be much appreciated:

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."

Our stores already use refusals logs for alcohol sales. For the incident log, do you have a template of what it is expected to look like and also what is considered to be a bound book? Would a folder with the printed-out incident log be acceptable for this?

2. "Should customers be outside the premises causing congestion on the pavement, 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."

For the above condition, whilst we are happy for any incidents that take place on the company premises to be dealt with and customers to be asked to move on, our teams would not be able to enforce this outside of our premises. Should any incidents migrate outside of the premises, our team members will ask customers to move on but as explained, they would be unable to enforce this outside of the premises. With this condition do you refer just to the alcove with railings directly outside of the store, or on the street as well?

We would also be happy for our teams to report any such incidents via a radio, should there be a radio scheme available or report to the police should there be a need to escalate due to seriousness.

Once we have more clarification, I will get back to you with whether we can accept all the proposed conditions.

We would be happy to discuss these further on the phone if preferred.

Kind Regards

Eleanor

Age Restricted and Licensing Team

Savers Health and Beauty

TEL:

Mob:

From: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>

Sent: Friday, January 19, 2024 11:20 AM

To: Savers Age-Restricted <savers.age-restricted@uk.aswatson.com>

Subject: New Premises Licence- Savers, Caerphilly- Representation received

WARNING: This email was sent from an external network. Do not click links or open attachments unless you recognise the source and know the content is safe.

Dear Sir/Madam

Re: Licensing Act 2003 – Application for a New Premises Licence

Savers, Caerphilly

I refer to your application of 09/01/2024 for a new Premises Licence in accordance with the above Act and advise you that representations have been received from South Wales Police as a designated Responsible Authority under the above Act. The representations have been submitted in relation to the Prevention of Crime and Disorder under the Licensing Objectives and they have suggested conditions to be added to the licence to address their concerns. Copies of their representations are enclosed.

As representations have been submitted, we are required to convene a hearing to which all parties would be invited. In the event that you agree the conditions to be proportionate and reasonable a hearing may not be considered necessary.

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Mae fy nghyfeiriad e-bost yn newid

Mae fy nghyfeiriad e-bost yn newid ac ni fydd yn cynnwys .pnn mwyach. Er mwyn sicrhau fy mod yn derbyn negeseuon yn y dyfodol, newidiwch fy nghyfeiriad e-bost gan ddilyn yr enghraifft ganlynol: Enw.Cynfaf.Cyfenw@gwent.police.uk.

My email address is changing

In the near future, my email address is changing and will no longer include .pnn. To make sure that I receive future emails, please update my contact email address using the following example: Forename.Surname@gwent.police.uk.

Rydym yn croesawu gohebiaeth yn y Gymraeg a byddwn yn ateb yn y Gymraeg. Os hoffech dderbyn gohebiaeth o hyn ymlaen yn y Gymraeg neu os ydych wedi cael eich gwahodd i gyfweiliad neu gyfarfod a hoffwch ddefnyddio'r Gymraeg, danfonwch e-bost at: cymraeg@gwent.police.uk. Darperir gwasanaethau cyfieithu.

We welcome correspondence in Welsh and will reply in Welsh. If you would like to receive future correspondence in Welsh or if you have been invited to an interview or meeting and would like to use the Welsh Language, please email: welsh@gwent.police.uk. Translation services are available.

Heddlu Gwent. Mae'r wybodaeth yn yr ohebiaeth hon ar gyfer yr unigolyn neu'r sefydliad y'i cyfeiriwyd ato. Os derbyniwch hwn mewn camgymeriad, dywedwch wrthym a'i ddifa. Gall datgelu neu ddefnyddio gwybodaeth o'r fath fod yn weithred anaddas, ac yn groes i ddeddfwriaeth neu gyfrinachedd.

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Superdrug Stores plc is registered in England and Wales with registered number 807043. The registered office is Bedford House, 51 Sydenham Road, Croydon CR0 2EU.

Savers Health & Beauty Limited is registered in England and Wales with registered number 2202838. The registered office is Hutchison House, 5 Hester Road, London SW11 4AN.

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Please advise me in writing within the **next 7 days** of whether or not you find these acceptable. You may wish to take legal advice on this before responding.

Furthermore, you are advised that your application may be subject to further comment and/or representation from other Responsible Authorities or Other Persons up to the expiry date of the consultation period for this application. Should you have any queries relating to this matter, please contact the Licensing Section.

Yours faithfully,

Siân Rees

Swyddog Trwyddedu | Licensing Officer
 Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

☎ 01443 866750

✉ reess10@caerphilly.gov.uk reess10@caerffili.gov.uk

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Proposed Conditions

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.