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For all enquiries relating to this agenda please contact Jo Thomas
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Date: 19th March 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 **Monday, 25th March, 2024 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

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

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

Yours faithfully,

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

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

	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 - 54

Circulation:

Councillors W. Williams (Chair), J.E. Roberts and J. Scriven

And Appropriate Officers

HOW WE WILL USE YOUR INFORMATION

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LICENSING AND GAMBLING SUB COMMITTEE MONDAY 25TH 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>
Kajanthan Nagaratnam 25 Church Street Rhymney NP22 5HL	KJ Convenience Store 20 The Green Abertysswg Rhymney NP22 5AA	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 convenience store.*’

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 Sunday 07.00hrs to 23.00hrs**

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

*All members of staff will receive training regarding the
:-four licensing principles contained in the Licensing Act 2003;
Responsible retailing of alcohol, and law regarding sales of alcohol;*

*Protection of children from harm and this must include how to competently
check customers' identification where necessary;*

*Permitted hours during which licensable activities can take place, and the conditions
attached to the premises licence.*

*The training provided to staff will be recorded and each member of staff will sign and
date the training records to confirm they have received and understood the training
provided.*

The staff training records will be kept at the premises and made available to any

*Responsible Authority upon request Police will be reported for any incidents of a
criminal nature.*

*A comprehensive Internal & External CCTV will be installed, and the recordings will
be kept for minimum of 30 days. Also, these recordings will be available for any
responsible authorities*

*Fire safety equipment are installed and will be maintained on the premises.
The Emergency Exit will be kept free from obstructions at all times.
Staff will be fully trained in alcohol sales and fire safety/evacuation procedures.*

*EPOS terminal with till prompt for alcohol & tobacco sale
The Challenge 25 Policy will be strictly followed, and the relevant signs will be on
display.*

A register of refusal of sales will be kept and maintained on the premises.

Spirits will be located behind the counter Area.

EPOS terminal with till prompt for alcohol & tobacco sale

*The Challenge 25 Policy will be strictly followed, and the relevant signs will be on
display.*

A register of refusal of sales will be kept and maintained on the premises.

Spirits will be located behind the counter Area.

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:

Document	Date received	Appendix Reference
Gwent Police	20/02/2024	Appendix 6
Childrens Services	02/02/2024	Appendix 7
Trading Standards	23/02/2024	Appendix 8
Licensing Authority in role as Responsible Authority	26/02/2024	Appendix 9

The Fire Authority and Environmental Health (Health & Safety) in their roles as responsible authorities responded to indicate that they had no representations in respect of the application.

1.5.2 Other Persons:Residents / Business

Document	Date Received	Appendix Reference
Mr & Mrs Bajwa - representation	21/02/2024	Appendix 10
H. Jones - representation	21/02/2024	Appendix 11

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 all staff being trained in the prevention of underage sales, which would be documented and retained for a period of a year. The use of an approved proof of age scheme namely Challenge 25 and display of signage. The Police advocated an amendment to the proposed CCTV condition requiring footage both inside shall be used at the premises both inside and out, be in good working order and images to be retained for 31 days and all staff to be trained the operation of CCTV. Furthermore, the Police advocated conditions to attempt to manage the front of the premises and persons congregating and the display of signage requesting that customers respect the neighbours.

Caerphilly CBC Childrens Services do not object to the application but have suggested additional wording that they put forward to the applicant. They also suggested that staff use the Challenge 25 scheme. Furthermore, that all staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

Caerphilly CBC Trading Standards indicated that they had no objections as long as the applicant accepted the representations from Gwent Police and Childrens Services.

The Licensing Authority Officer in its role as a responsible authority advocated that a till prompt system to be installed to assist staff by reminding them to challenge for ID before an age restricted sale.

There were two relevant representations objections to the application during the consultation period.

The first is from the owner of a nearby Off licence who believed that this new proposed convenience store would affect footfall and have a detrimental impact on his business. Reference was made to three employees at his premises whose jobs would become at risk should a licence be granted. Comment was expressed that the new proposed premises seeking a licence should stay as a food takeaway outlet. Reference was made to the two existing social clubs in the village that also sell alcohol. Concern was expressed that public safety would be compromised with more alcohol being available for increased hours.

Reference was made to a children's play area directly opposite the proposed off licence and that people may not feel safe in bringing their children to the area and detrimental for children's social environment. Concern was expressed that a business selling alcohol will lead to noise and light nuisance and pollution from waste.

It should be noted that a petition which appears to have been submitted by the business owner has not been deemed to be 'relevant' objections as it did not contain any reference the Licensing Objectives, but only that the premises subject to the application should remain as a 'fish and chip' shop.

A resident also objects to the application and mentions that it might encourage anti-social behaviour and cause people to drink in the park and village. Reference is also made that there are two social clubs in the village.

1.7 APPLICANT RESPONSE

The applicant's representative has responded to agree conditions proposed by Gwent Police, Children Services and the Licensing Authority in its role as a responsible authority. These responses received are reproduced as **Appendix 12**.

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 the village of Abertysswg for the provision of 'off sales' of alcohol. The applicant seeks to provide the retail sale of alcohol between the hours of 07.00hrs to 23.00hrs Monday to Sunday.

The Responsible Authorities have considered this application and have not objected but sought conditions to be attached to the licence should the application be approved.

Representations objecting to the grant of a new premises licence have been received from a resident who provided details of their Street address but not their house name nor house number and by business owners of a premises which currently benefits from the ability to provide the retail sale of alcohol under the auspices of an existing premises licence.

The Section 182 Home Office National Guidance, at Paragraph 9.4 provides guidance in respect of Relevant, vexatious and frivolous representations and states:

'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.'

Further guidance is offered at Paragraph 9.5 which states *'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.'*

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

As the Business owners' comments touched upon the promotion of the Licensing Objectives, then the benefit of the doubt as to their relevance has been afforded and comments admitted in this instance. The business owner in objecting to the application expresses concern about the proximity of the applicant proposed premises to a children's play area. However, it is noted that the business owners existing licensed premises is also opposite the same children's playground area that is referred to.

There has been reference by 'Other Persons' to the number of existing licensed premises in the area, however the Council does not currently have any cumulative impact areas and therefore the number or type of other licensed premises in the vicinity would not ordinarily be a consideration for Members of the Sub Committee. The same principle would apply in relation to the 'need' or otherwise for a new, licensed premises. Furthermore, in this instance, two of the licensed premises referred to by Objectors are Club Premises Certificate holders and access is therefore should be restricted to Members/Guests only.

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.'*

Following a site visit and discussion with the applicant, the Police and Licensing Authority in role as responsible authority appear to be satisfied with the applicant's ability to promote the licensing objectives, subject to conditions agreed with the applicant. It is noted that the Trading Standards and Child Protection Officer have not objected to the application but have advocated conditions. Despite reference to concerns regarding noise and light nuisance by the business objector, it is noted that

no representations have been received from the Environmental Health Pollution Officer as a Statutory consultee.

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

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

Paragraph 28.9 of the council's statement of licensing policy provides advice in relation to the above and states '*Whilst all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the responsibility of each Responsible Authority to determine when they have appropriate grounds to do so.*'

It is noted that no confidence in management concerns have been raised by any of the Responsible Authorities in their representations in relation to the applicant.

1.10 RECOMMENDATION

Having had regard to the objections made by the business owner and resident and considered the position of the Responsible Authorities, it is recommended that the application to permit the sale of alcohol for off sales, between the hours of 07.00hrs to 23.00hrs, Monday to Sunday **be granted** subject to the following conditions as set out in **Appendix 13**.

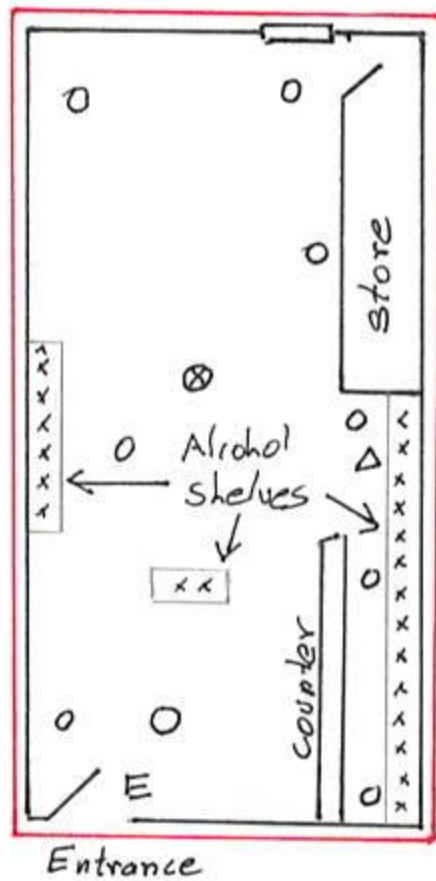
In reaching this conclusion, it is noted that there are no objections to the application from Responsible Authorities, nor confidence in management concerns. It is considered that any potential conflicts with the promotion of the Licensing Objectives may be adequately controlled by the recommended conditions set out in **Appendix 13**.

Background Papers: Statutory Guidance issued under S182 of the Licensing Act
[Revised Guidance issued under section 182 of the Licensing Act 2003 \(publishing.service.gov.uk\)](#)

Caerphilly CBC Statement of Licensing Policy
[StatementOfLicensingPolicy.aspx \(caerphilly.gov.uk\)](#)

Date of this report: 18th March 2024

Author: Lee Morgan – Licensing Manager morgal16@caerphilly.gov.uk



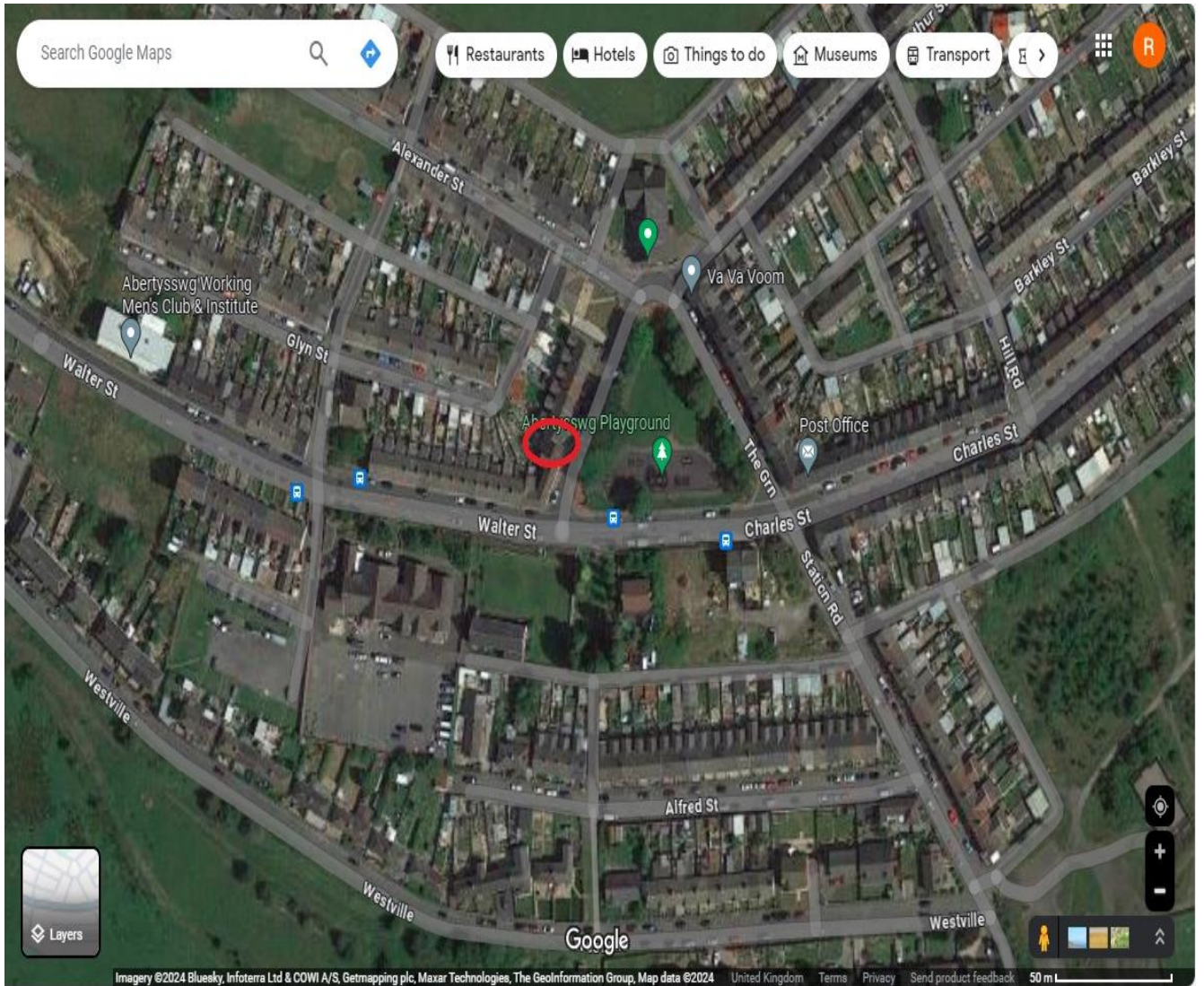
KEYS

○ CCTV

⊗ Smoke Alarm

E Emergency Exit

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Aerial Plan of the location

Appendix 2

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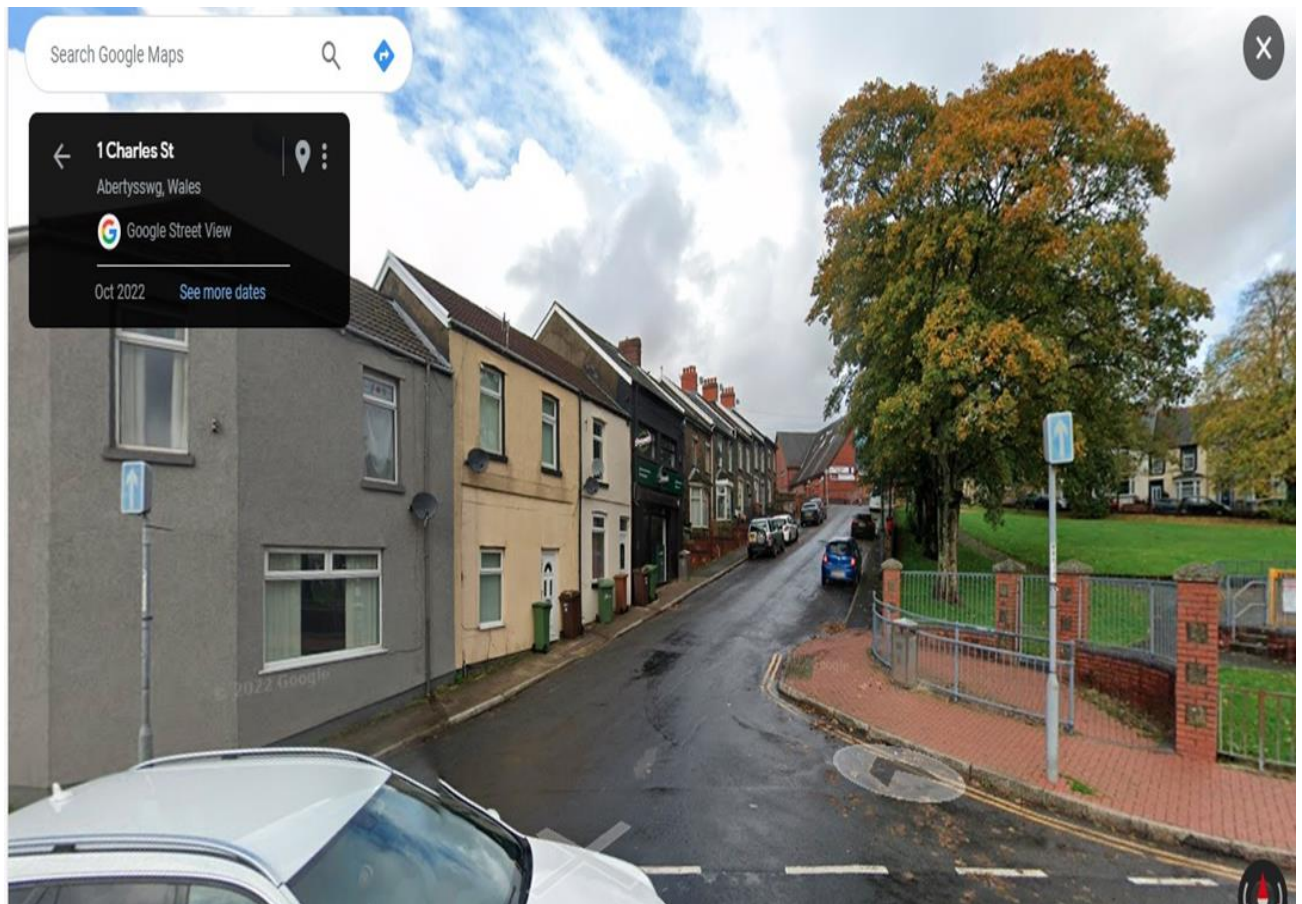
Photographs of location
Appendix 3



Photographs of location
Appendix 3



Photographs of location
Appendix 3



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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.

7.4 The intent of the Licensing Act 2003 is to regulate the supply of alcohol. Licensing is therefore the key mechanism by which the availability of alcohol can be regulated, through regulating the times and days of the week alcohol can be sold, premises which can supply alcohol and the conditions of sale.

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

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

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

10.4 The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application.

- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
- Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
- Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
- Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored. Are areas or surfaces designed to prevent the likelihood of drug use at the premises?
- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

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.

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.

14.5 Unreasonable, frivolous and vexatious representations will be disregarded. Representations that have been made and considered elsewhere, for example as an objection to a planning application, may also be disregarded where consideration of such representations would be duplication.

16.2 Therefore, any person is able to make representations in relation to certain types of applications as an “Other Person” However; all representations must relate to the licensing objectives and may not be frivolous or vexatious.

17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

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.

28.12 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.

28.21 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.

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.

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP)

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

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

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

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

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 policy), applicants are also expected to demonstrate an understanding of

how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

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

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

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

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

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

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to

the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from 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.

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

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

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct

physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

9.45 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding

licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Gwent Police

Name of Applicant	
Premises	KJ Convenience Store , 20 The Green , Abertyswg Rhymney NP225AA

Your Name	Pc 1141 Jon Taylor
Job Title	Police Constable
email Address	licensingwest@gwent.police.uk
Contact Telephone Number	
Date	20.2.2024

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
<p>Gwent police have received a new premises license application from Kajanthan Nagaratnam for a premises license at KJ Convenience Store , 20 The Green , Abertyswg Rhymney NP225AA</p> <p>The applicant is applying for an OFF license sales only license for a store to be named KJ CONVENIENCE STORE in a former take a way premises located in the north Rhymney valley area. The premises is situated opposite a childrens play area and amongst a row of terraced houses .</p> <p>The applicant is requesting Alcohol supply times of Monday to Sunday 07.00 to 23.00hrs . The opening hours to the public will be Monday to Sunday 07.00 to 23.00hrs</p> <p style="text-align: center;">Page 29</p>

On Weds 14th Feb 2024 officers from Gwent police licensing met with the applicant in company with Dean Pugh from Caerphilly council . The application was discussed in detail.
At this stage of the application, no deliveries of alcohol have been requested by the applicant to external areas or addresses.

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 suggested the following conditions:

All members of staff will receive training regarding the:-
four licensing principles contained in the Licensing Act 2003;
-Responsible retailing of alcohol, and law regarding sales of alcohol;
-Protection of children from harm and this must include how to competently check customers' identification where necessary.
-Permitted hours during which licensable activities can take place, and the conditions attached to the premises licence.
The training provided to staff will be recorded and each member of staff will sign and date the training records to confirm they have received and understood the training provided.
The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

Gwent Police would like this reworded to :

All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for

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

inspection on request by an authorised officer of the Licensing Authority or a constable.

The records shall be kept for a 12 month period

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

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.

Police will be reported for any incidents of a criminal nature.

- A comprehensive Internal & External CCTV will be installed, and the recordings will be kept for minimum of 30 days. Also, these recordings will be available for any responsible authorities.

Police would like this reworded to:

CCTV shall be in use at the premises inside and out .

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

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

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

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

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

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

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

(vii) The system shall also record clear images permitting the identification of individuals

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

Fire safety equipment are installed and will be maintained on the premises.

- The Emergency Exit will be kept free from obstructions at all times.
- Staff will be fully trained in alcohol sales and fire safety/evacuation procedures.

EPOS terminal with till prompt for alcohol & tobacco sale

- The Challenge 25 Policy will be strictly followed, and the relevant signs will be on display.
- A register of refusal of sales will be kept and maintained on the premises.

Gwent police would like the above 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

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

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	<p>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>- Spirits will be located behind the counter Area.</p> <p>Gwent police would like the following conditions added :</p> <p>There shall be no consumption of alcoholic beverages purchased from the premises in open containers outside at the front of the premises.</p> <p>Should customers be outside the premises causing congestion , loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity of the store by the premises supervisor , manager or other competent person</p> <p>A notice displayed asking customers to please leave quietly and to respect neighbours</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

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Children’s Services.

Name of Applicant	20 K J Convenience store
Premises	The Green, Abertysswg, Rhymney, NP22 5AA

Your Name	Deborah Lewis
Job Title	CP Coordinator
email Address	Lewisdj1@caerphilly.gov.k
Contact Telephone Number	01443 864616
Date	02/02/24

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

Please outline the reasons for your Representations
<p>Kajanthan Nagaratnam is seeking a license for the sale of alcohol by way of sales at KJ Convenience Store.</p> <p>The applicant has provided some conditions at the application stage that will promote the licensing objectives for the protection of children from harm. However, children’s services would suggest the following wording is adopted to strengthen the application.</p>

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>SAO1 All staff/members who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff providing it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.</p>
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	<p>SA02 (a) An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.</p> <p>SA06 All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes.</p>

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

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



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – TRADING STANDARDS

Name of Applicant	Kajanthan Nagaratnam
Premises	KJ Convenience Store, 20 The Green, Abertysswg, NP22 5AA

Your Name	Tim Keohane	Date 23/02/2024
Job Title	Senior Trading Standards Officer	
e.mail Address	keohatp@caerphilly.gov.uk	
Contact Telephone Number	01443 811319	

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

Please outline the reasons for your Representations
My representations are to support those of my fellow Responsible Authorities, Gwent Police and CCBC Children's Services. In relation to the Protection of Children from Harm, I believe that the suggested conditions by Gwent Police and Children's Services will help the applicant meet their responsibilities and best satisfy this objective

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

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RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Licensing

Name and Address of Applicant	Kajanthan Nagaratnam
Premises	KJ Convenience Store, 20 The Green Abertysswg, Rhymney NP22 5AA

Your Name	Sandra Lewis-Williams
Job Title	Assistant Licensing Manager
e.mail Address	Lewis1@caerphilly.gov.uk
Contact Telephone Number	01443 866750
Date	

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

Please outline the reasons for your Representations
<p>The applicant has applied for a premises licence for the off sale of alcohol between 07:00 and 23:00 Monday to Sunday with the opening hours of the premises given as 06:00 to 23.:00. The applicant will also be the designated premises supervisor for the premises.</p> <p>The applicant has put forward the steps he intends to promote the four licensing objectives. These have been strengthened by way of representations made by Gwent Police Licensing and Childrens Services which have been confirmed as accepted by the applicant.</p> <p>I visited the premises unannounced on 27/02/2024, the premises was closed with no access. The premises is currently signed as a hot food takeaway and is located opposite a children's play park with residential houses on either side. Another shop is located on the other side of the park/green and to the top of the triangular green is Abertysswg RFC</p> <p>The licensing authority propose the re-wording of a condition put forward by the applicant to clarify the requirements and further strengthen the promotion of the Licensing Objective - The Protection of Children from Harm.</p>

<p>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</p>	<p>The applicant has proposed: <i>EPOS terminal with till prompt for alcohol & tobacco sale</i></p> <p>It is proposed that this is re-worded to</p> <p>A till prompt system shall be installed to assist staff by reminding them to challenge for ID before an age restricted sale is made</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes</p>

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

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

CAERPHILLY COUNTY BOROUGH COUNCIL
LICENSING DEPARTMENT

21 FEB 2024

To
DATE RECEIVED
The Licensing Committee
Caerphilly County Borough Council.

From,
Mr and Mrs Bajwa
General Store
1, The Green,
Abertysswg
NP22 5AH

Dear Sir/ Madam,

Re: Objections to New Premises Licence Application by Kajanthan Nagarathnam for 20 The Green

We write to make representations against the proposed licence for 20 The Green.

We have a General Store and Post Office in the village in which we have been serving the community for the last 15 years. We got to know the families and their children to be a part of the community. People feel safe to send their children unaccompanied to the shop because they know that they will be safe.

We have Off-Licence in our shop until 10.30 pm, but no one has asked to sell alcohol for later because we have two Social Clubs in the village which are open until late at night, one is just top of The Green virtually 20 yards away and other one is down the road about 200 yards away, so there is no need for more alcohol sale in the village.

If this application for General Store and Off-Licence at 20 The Green is successful it will have a detrimental effect on our business because it will reduce the footfall in our business.

The only reason we have got a viable business is the combined income of the shop and the post office, without the present customer base it won't be viable so will end up losing the post office or both.

People know that we will not serve underage kids with anything; we have watched them from the young age and they know that we will tell their parents about it.

Myself and my wife work full time, about 98 hours a week with the help of our 3 workers from the village. It would be very hard for all of us if this business went downhill and was not viable anymore to support all of us.

Both of us and our staff kept everyone in the shop safe and served all the community everyday safely during the covid period without closing any day.

The village needs the variety as 20 The Green was a successful Fish and Chips & Take away in the past because last owners had run it as a successful business for 30 years until present ownership took charge of the place.

The present owner took nearly a year to start trading after they bought the business and then traded for 3 months and closed it, not even giving any notice or reason to the public.

[REDACTED]

This is the only hot food place in the village and should be given back to the community which is most needed, not an Off-License, which the village already has. People have been coming into my shop every week to ask when the Take Away is opening back up.

This is a shock to the community to see the notice gone up to convert it into an Off- License rather than a food Take Away as this has been a

There is not enough trade for two shops doing the same trade in the village as there is no passing trade as there is no through passing traffic to the village.

We employ 3 local girls to help us in the business and their jobs will be in danger.

Local people use this post office as their bank and lots of elderly people use it for their pension and to pay their bills. All the Banks have joined the post office so you can make withdrawals and deposits free of charge on the post office counter, you can even take out loose change from your account.

We are a hub in the village for parcels and post for not just Royal Mail but for ParcelForce, Amazon, DPD, Every, Collect+ and local Collect, so if customer are not home during the day, they get their parcels delivered into the shop and pick them up when it is convenient for them knowing that they are going to be safe here.

Local and neighbouring villages business people use this post office for their banking services.

We have a Pin Pad for card payment on the shop check out so when post office is closed and customers can pay that way.

We look after and help the elderly and vulnerable people coming into the shop because we have got to know them well. If anyone needs help with anything, people have got the shop phone number and we help deliver the items to them.

The shop is not just a shop it is like a community hub for people to come and meet and get to know what is happening in the village.

hot food place in the village as far as they can remember it and it would be a shame to lose it.

Since this notice has been displayed on the premises people have come to my shop to ask me that if it is available for them to rent or buy and run it as a Fish n Chips or Take Away etc, so it shows that other people are willing to run it as a food place and there's a need for that in the village.

We note the 4 licensing objectives and make the following comments:

- The prevention of crime and disorder
As already mentioned, there are currently 3 places in the village selling alcohol and with a village of this size, it does not need a 4th. Increasing the number of places where alcohol can be bought will only lead to the likelihood of more crime. [REDACTED] v [REDACTED] it will just attract more undesirables to the property and area and increase crime.
- Public safety
Public safety will be compromised with more alcohol being available and for increased hours, all in a short space of each other. The proposed Off-Licence is directly opposite a public area, a children's play area. People may not feel safe bringing their children to this area, where children will be able to see the shop and people coming in and out buying alcohol.
- Prevention of public nuisance
Having a business selling alcohol, particularly at the proposed late night hours, will lead to noise nuisance and light nuisance (with lights from the shop) late at night. It will also increase pollution due to waste from the shop.
- Protection of children from harm

As already mentioned above, the proposed Off-Licence is directly opposite a public/children's play area. Children playing in the area will be able to see the shop and see people buying alcohol and then potentially drinking alcohol in the play area. It will be detrimental for children's social environment.

We hope that before you consider awarding this Licence, we beg you to come and visit the village and talk to us in the shop and the community and see it for yourself, which is most needed in the village.

We thought the whole point of having the authorities to oversee everything was that what is in the best interest of the local community.

We hope that you will consider our appeal and we would be forever grateful for our existence of the business.

Thanks.

Your sincerely,

Mr & Mrs Bajwa,

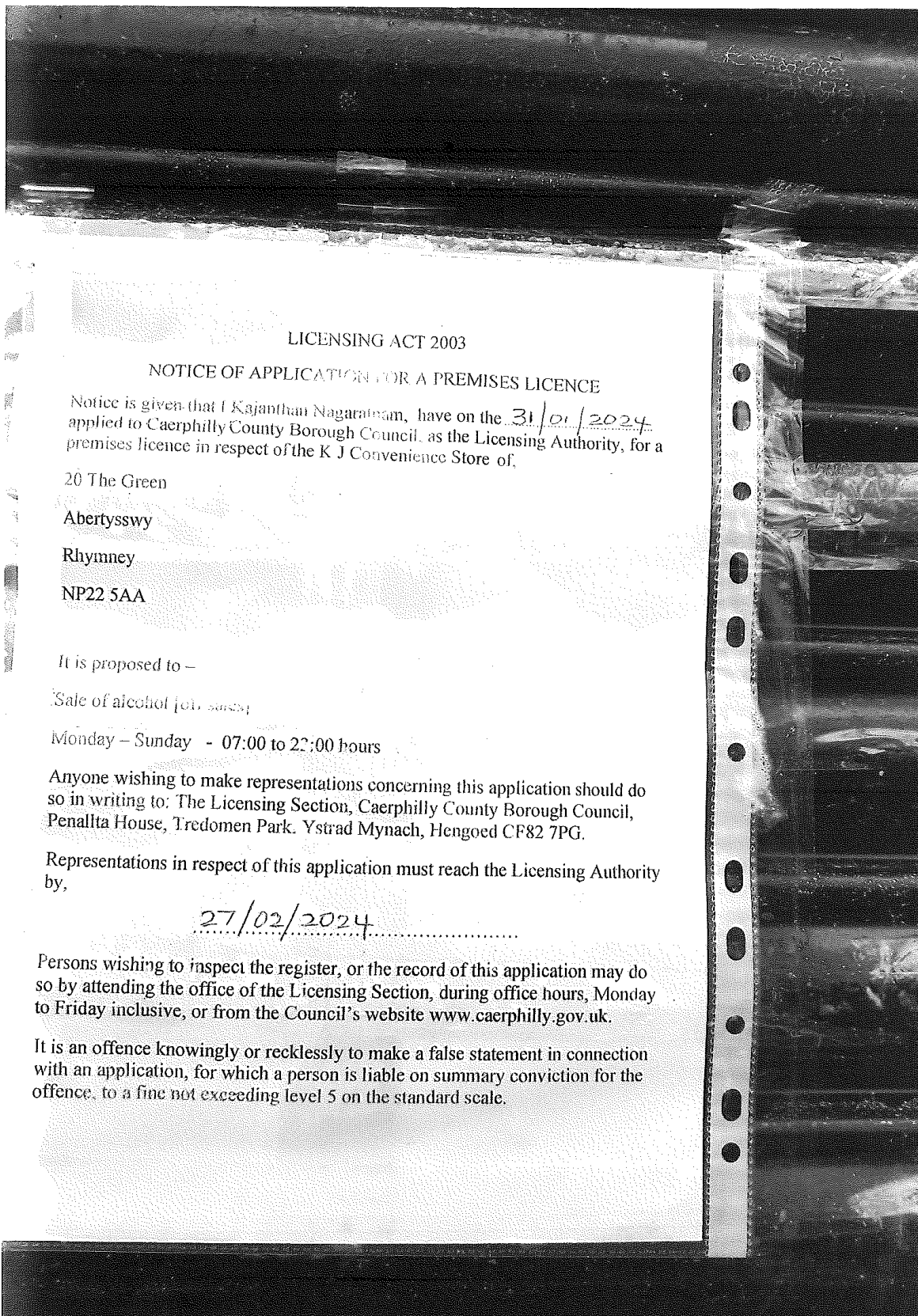
[REDACTED]

Abertysswg

NP225AT, -

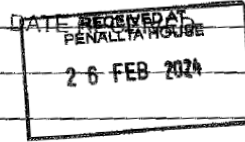
[REDACTED]

21-2-2024



CAERPHILLY COUNTY BOROUGH COUNCIL
LICENSING DEPARTMENT

26 FEB 2024



Glyn Street
Abertysswg
Rhymney
Gwent.
NP235AL.

I am writing with my objection against 20 THE GREEN ABERTYSSWG having a licence to sell alcohol until 11.00. As a resident of the village of fifty two years, I strongly object against this due to which it will bring anti social behavior and people/strangers hanging around drinking in park and village. There are two clubs in the village which are open until 11.00, so there is absolutely no need for a shop serving alcohol until this time. yours sincerely



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From: [Hopkins, Kathryn](#) on behalf of [WWW: Licensing](#)
To: [Davies, Boderick](#)
Subject: FW: KJ Convenience store-Representations from Childres Services
Date: 05 February 2024 09:43:22

From: Naga Rajesh <[REDACTED]>
Sent: Saturday, February 3, 2024 5:40 PM
To: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Subject: Re: KJ Convenience store-Representations from Childres Services
Dear Licensing,
Thank you for your email, I have talked to my client and we are happy to accept all the proposed conditions below in full.
Thank you
Best Regards,

Naga Rajesh BSc(Hons), ACP
Licensing Consultant

From: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Date: Friday, 2 February 2024 at 15:35
To: Naga Rajesh <[REDACTED]>
Subject: KJ Convenience store-Representations from Childres Services

Dear Sir

Re: Licensing Act 2003 – Application for a New Premises Licence
PREMISES: KJ Convenience Store, 20 The Green, Abertswg, Rhymney NP22 5AA

I refer to your application of 30/01/2024 for a new Premises Licence in accordance with the above Act and advise you that representations have been received from Children's Services as a designated Responsible Authority under the above Act. The representations have been submitted in relation to the application 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. Please advise me in writing/email within the next 7 days or before last date for representation 27/02/2024 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

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

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From: [Hodkins, Kathryn](#) on behalf of [WWW: Licensing](#)
To: [Davies, Rodrick](#)
Subject: FW: Police representations-KJ Convenience Store, Abertyswg
Date: 21 February 2024 12:20:01

From: Naga Rajesh <[REDACTED]>
Sent: Wednesday, February 21, 2024 12:06 PM
To: WWW: Licensing <LICENSING@caerphilly.gov.uk>
Subject: Re: Police representations-KJ Convenience Store, Abertyswg

Dear Mr Davies,

Thank you for your email. I have discussed the details with my client and we are happy to accept all the amendments in full.

Thank you

Sent from my iPhone

On 20 Feb 2024, at 20:19, WWW: Licensing <LICENSING@caerphilly.gov.uk> wrote:

Dear Sir

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

PREMISES: KJ Convenience Store, Abertyswg, Rhymney

I refer to your application of 30/01/2024 for a new Premises Licence in accordance with the above Act and advise you that representations have been received from Gwent Police as a designated Responsible Authority under the above Act.

The representations have been submitted in relation to 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. Please advise me in writing/email within the **(next 7 days or before last date for representation) e.g. (27/02/2024)** 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

Rod Davies

Swyddog Trwyddedu | Licensing Officer

Cyngor Bwrdeistref Sirol Caerffili | Caerphilly County Borough Council

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From: [Naga Rajesh](#)
To: [WWW: Licensing](#)
Subject: Re: RA representations KJ Convenience Store
Date: 27 February 2024 15:14:03
Importance: High

Dear Licensing,
Thank you for the email. We are happy to accept the proposed change in this condition.
Best Regards,

Naga Rajesh BSc(Hons), ACP
Licensing Consultant

From: WWW: Licensing <LICENSING@CAERPHILLY.GOV.UK>
Date: Tuesday, 27 February 2024 at 20:36
To: Naga Rajesh <[REDACTED]>
Subject: RA representations KJ Convenience Store

Dear Sir

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

PREMISES: KJ Convenience Store, 20 The Green Abertyswg, Rhymney

I refer to your application of 30/01/2024 for a new Premises Licence in accordance with the above Act and advise you that representations have been received from the Licensing Authority as a designated Responsible Authority under the above Act.

The representations have been submitted in relation to 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. Please advise me in writing/email within the **(next 7 days or before last date for representation- 27/02/2024)** 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

Rod Davies

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

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All staff to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable. The records shall be kept for a 12 month period

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

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.

CCTV shall be in use at the premises inside and out

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

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

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

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

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

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

(vii) The system shall also record clear images permitting the identification of individuals.

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

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.

Spirits will be located behind the counter Area.

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

Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity of the store by the premises supervisor, manager or other competent person.

A notice displayed asking customers to please leave quietly and to respect neighbours.

All staff/members who serve alcohol to be trained in the prevention of underage sales to a level commensurate with their duties. All such training to be updated as necessary, for instances when legislation changes, and should include training on how to deal with difficult customers. The training should be clearly documented and signed and dated by both the trainer and the member of staff receiving it. The documentation shall be available for inspection on request by an authorised officer of the Licensing Authority or a constable.

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

A till prompt system shall be installed to assist staff by reminding them to challenge for ID before an age restricted sale is made