

# Pecyn Dogfennau Cyhoeddus

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

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



[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Andrea Jones  
(Rhif Ffôn:01443 873575 Ebst: jonesa23@caerphilly.gov.uk)

**Dyddiad: Dydd Llun, 5 Mehefin 2024**

I bwy bynnag a fynno wybod,

Cynhelir cyfarfod aml-leoliad o'r **Is-bwyllgor Trwyddedu a Gamblo** yn Nhŷ Penallta, a thrwy Microsoft Teams ar **Dydd Mawrth, 11eg Mehefin, 2024** am **10.00 am** i ystyried y materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd gwasanaeth cyfieithu ar y pryd yn cael ei ddarparu ar gais.

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

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

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR

## AGENDA

Tudalennau

1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach

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



2 Datganiadau o Ddiddordeb.

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

I dderbyn yr adroddiad canlynol.

3 Penderfynu ar Gais am Amrywio Trwydded Eiddo – Gwybodaeth Ychwanegol (Cais Is-bwyllgor).  
1 - 50

**Cylchrediad:**

Cynghorwyr S. Williams (Cadeirydd), D.C. Harse a Ms J.G. Jones

A Swyddogion Priodol

**SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

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

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



## LICENSING AND GAMBLING SUB COMMITTEE – TUESDAY 11<sup>TH</sup> JUNE 2024

**SUBJECT: DETERMINATION OF PREMISES LICENCE VARIATION APPLICATION**

**REPORT BY: LEE MORGAN LICENSING MANAGER**

### 1. Application Details -

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Kedward Consultancy Ltd	The Unit 21-23 Afon Court Bedwas House Industrial Estate, Bedwas	Variation Premises licence

#### 1.1 Application for Variation of Premises Licence

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

#### 1.2 Site Plan/Photographs

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

A location plan is reproduced as **Appendix 2**.

Photographs of the Premises & outside area are reproduced as **Appendix 3**.

#### 1.3 Proposed Trading Times and Licensable Activity

The application for the Variation of the Premises Licence seeks to permit the following Licensable Activities:

- **Supply of Alcohol (on and off sales)**

**Sunday 10.00-23.30 hours**

**Monday to Thursday 09.00-00.00 hours**

**Friday & Saturday 09.00-04.00 hours**

The removal of existing conditions **11,15,16,17,18,19,20,23,24,26,27,28,29,30 and 31** and with condition **20**, they propose to put in a written risk assessment for the use switching from glass to plastic for drinks to be controlled outside, which is currently done informally, but wish to formalise for consistency.

Children will need to be accompanied by an appropriate adult. At 9 pm, children will be asked to leave unless a pre-arranged party booking or watch a big sporting event where a table would again need to be pre booked.

The variation application has been submitted to add the upstairs mezzanine area, the extension into the adjacent unit and to extend the outside area to the full frontage of the new extended premises.

### **1.3.1 Existing Permissions**

- **Supply of Alcohol (on and off sales)**

**Monday to Sunday 11.00-23.00 hours**

### **1.3.2 Existing Conditions**

1. The premises supervisor, manager or other competent person shall manage any outdoor area to ensure that customers do not behave in a noisy, rowdy or offensive manner.

2. CCTV shall be in use at the premises.

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. No licensable activities shall be provided in the premises until the CCTV system is installed

(i) 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;

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

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

(iv) 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 an

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;

(v) The premises 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;

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

(vii) The CCTV cameras shall cover all parts of the licensed premises including all external licensed areas.

3. The DPS shall ensure that all staff are trained in relation to the Licensing Act 2003. Training shall be updated as necessary when legislation changes and should include training in underage sales, drugs awareness, drunkenness and how to refuse sales to difficult customers. Training shall be clearly documented in writing, signed and dated by both the trainer and the member of staff receiving it. This documentation shall be available for inspection on request by an authorised officer under the Licensing Act 2003, or a Constable. Training records shall be reviewed on a regular basis and refresher training given as appropriate.

4. Staff 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.

5. An approved proof of age scheme shall be adopted, implemented and advertised within the premises such as 'Challenge 25' whereby an accepted form of photographic identification shall be produced by any person who appears to be under 25 years of age before alcohol is supplied to that person. 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.

6. All refusals to sell alcohol or other age restricted goods shall be kept in a refusals book detailing the time, date, the goods, the staff member and the name of the persons who tried to purchase. If no name is given, then a good description shall be recorded. The refusals book shall be made available for inspection on request by an authorised officer of the Licensing Authority or a Police Constable. All entries shall be retained for a minimum of 12 months.

7. An incident report logbook shall always be held at the premises to record details of incidents that occur in the premises and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and outcome of the situation. Records shall be retained for a minimum of 12 months.

8. A clearly visible notice shall be placed on the premises advising those attending that the police will be informed if any person is found in possession of controlled substances or weapons.

9. The premises licence holder shall ensure that on acceptance of online alcohol purchases, checks must be made, to ensure customers are aged 18 years or over.

10. The premises licence holder shall ensure that where any deliveries of alcohol are made, the recipient is aged 18 years or over, by means of the production of photographic identification such as a photo card driving licence or passport.

These checks must be recorded and made available to any authorised officer of the Licensing Authority or Police, either electronically or in a bound book:

- (i) Detailing the name, address and age of purchaser;
- (ii) Details of the person and/or company delivering the alcohol

**11. 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.**

12. All staff with a responsibility for supplying or selling alcohol shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur, subject to the exemptions under Section 149 (5) of the Licensing Act 2003 which allows beer, cider or wine to be purchased for an individual aged 16 or 17, providing the beer, cider or wine is for consumption with a table meal and that a person aged 18 or over is accompanying the individual.

13. Alcohol will only be served to those that are not already intoxicated. risk assessments on an ongoing basis by the licence holder of premises supervisor and staff.

14. There shall be a zero tolerance policy in relation to drugs at the premises and there shall be regular checks by management to prevent the use of drugs by patrons. Drugs seized shall be stored securely and handed to the police.

**15. The management of the premises will liaise with police on issues of local concern or disorder.**

**16. There shall be no drinks promotions at the premises which are inconsistent with the need to promote.**

**17. To comply with the reasonable requirements of the fire officer.**

**18. The premises will have adequate safety and fire fighting equipment and such equipment will be maintained in good operational order.**

**19. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required.**

**20. Spillages and breakages will be removed as soon as possible to reduce the risk to patrons and staff. Toughened glasses will be used in the premises where appropriate.**

21. Fire Exits and means of escape shall be kept clear and in good operational condition. Emergency lighting will be installed through the premises.

22. Where appropriate, prominent, clear and legible notices shall be displayed at all exits requesting the public respect the general public and to leave the premises and area quietly.

**23. Patrons will be encouraged by staff to leave quietly and respect the interests of the occupiers of any nearby noise sensitive premises, Where appropriate the licensee or a suitable staff member will monitor patrons leaving at the closing time.**

**24. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.**

25. Contact numbers for local taxi firm(s) shall be kept at the premises and made available to patrons requiring a taxi.

**26. Premises situated on an industrial estate so no near by household should be affected by noise or nuisance behaviour.**

**27. No films or videos of any description will be shown so that they can be viewed by persons under the age of any applicable BBFC/Local Authority certification.**

**28. Children under the age of 16 shall not be permitted to enter the premises after 21:00 unless dining with an adult or attending a pre booked function.**

**29. There shall be adequate controls in place including staff training to safeguard against the sale of alcohol to persons under 18 years.**

**30. The premises supervisor or appointed staff member shall ensure that when children are admitted to the premises their presence is not inconsistent with the style of operation of the premises at that time and the licensable activities that are being carried out.**

**31. Policies in relation to children shall be adequately communicated to patrons by staff or through signage.**

**1.3.3** 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: -

*General - Challenge 25, CCTV, Signage, Responsible drinking, Door staff were required. Responsible Drinking i.e. refusal to serve those intoxicated*

*The Prevention of crime and disorder - CCTV in operation with a view of all areas where alcohol could be consumed. The use of door staff for larger parties/ events or where it deemed appropriate. A challenge 25 will be adopted for alcohol sales, Signage to be put up e.g. zero tolerance to drug use.*

*Public Safety - CCTV in operation and door staff used where needed.*

The prevention of public nuisance - *Responsible drinking guidelines and challenge 25 will be adopted. Signs put up to request customers leave in a respectful manner, challenge 25 and zero tolerance to anti social behaviour and drug use.*

The protection of children from harm - *Children will have to be accompanied by a responsible adult or guardian. Children will be asked to leave after 9pm unless attending a pre booked parties or activities e.g. major sporting event. Again they would need a responsible adult and be pre booked a seat/ table.*

#### 1.4 **RELEVANT CONSIDERATIONS**

Caerphilly County Borough Council Licensing Policy **Appendix 4**

National Guidance **Appendix 5**

#### 1.5 **RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS**

##### 1.5.1 **Responsible Authorities:**

###### **Police**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	14 <sup>th</sup> April 2024	Appendix 6

###### **Environmental Health (Health & Safety)**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	13 <sup>th</sup> May 2024	Appendix 7

###### **Licensing Authority in role as Responsible Authority**

<b>Document</b>	<b>Date Received</b>	<b>Appendix Reference</b>
Initial Representation	14 <sup>th</sup> May 2024	Appendix 8

South Wales Fire and Rescue Service responded to indicate that they would inspect the premises under their own powers and had no representations to make at this time. The Child Protection Officer responded to confirm that there were no representations in relation to the application.

##### 1.5.2 **Other Persons:**

No Resident or business objections were received during the consultation period.

#### 1.6 **SUMMARY OF REPRESENTATIONS**



On 1<sup>st</sup> May 2024, Officers from Gwent Police licensing and Caerphilly council attended the venue and met with the applicant to discuss an incident that had allegedly occurred at the premises.

The application was discussed in detail. Reference is made by the Police to the applicant agreeing to amend the proposed Alcohol supply time on Fridays and Saturdays from 04.00 to 00.30hrs .

**Gwent Police** objected to the revised times applied for. Gwent Police were not confident that at that time the licensing objectives wouldn't be undermined by extending the alcohol supply times to the premises. The applicant had offered some conditions and Gwent police advocated the re-wording of some of the conditions that would support the applicant in the promotion of the licensing objectives.

The applicant had requested the removal of conditions 11,15,16,17,18,19,20,23,24,26,27,28,29,30 and 31.

Gwent police indicated that would advocate condition 11 to remain and agreed that the remainder of the above conditions be removed or revised.

Gwent Police advocated the removal of conditions 9 and 10 be removed from the existing premises licence and the below conditions added:

Clear notices must be displayed at all points where customers leave the building instructing them to leave the premises and the area quietly.

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

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

- (i) Full name
- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
- (iii) The time they began their duty;
- (iv) The time they completed their duty.
- (v) This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

The Outside area to be monitored periodically by staff through licensable times.

Children and young persons must be accompanied and supervised by a responsible adult at all times and must vacate the premises by 9pm unless of a televised sporting

event or they are part of a pre-booked function event being held at the premises, in which case children and young persons must vacate the premises by 23:00.

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

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

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

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

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

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

The DPS or their representative must actively participate in Pubwatch scheme in the area and attend at least 50% of the meetings in any twelve-month period.

All OFF sales to be in sealed containers and not to be consumed outside the premises.

The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in any outside area(s).

The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used at the premises when events or functions are being held at the premise.

Gwent police advocated that the existing alcohol supply times to remain the same but to incorporate a cool down period of 30 minutes from last supply time to leaving the premises.

**Licensing in its role as Responsible authority** had concerns in the ability of the premises licence holder to promote the 4 licensing objectives and objected to the application to extend the hours of licensable activities namely the sale and supply of alcohol.

It is advocated that the hours for licensable activities should remain as currently stipulated on the licence and the premises should close within 30 minutes of the last supply of alcohol at this current time.

With regard to the extension to the licensed area, the outside area should be appropriately delineated to mark the exact boundary of the external area. This could be by way of a roped off area, planters etc or other manner as agreed with the responsible authorities.

**Health & Safety (Environmental Health)** have stated that arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated during times of use.

Each event/sporting event to which the applicant relates is to be risk assessed on an individual basis to ensure safety of the public. These can include but not limited to use of door supervisors; use of polycarbonate/safety glasses/use of polycarbonate glasses only on the mezzanine floor area.

All gangways, passages, staircases and exit ways must at all times be kept free from obstructions or substances that could cause someone to slip or fall.

The outside area to be appropriately delineated to mark the exact boundary of the external area, by way of a roped off area, planters etc. or other manner as agreed with the responsible authorities.

## **1.7 APPLICANT RESPONSE**

The applicant has responded to the representations submitted referring to a meeting held with the Police and Licensing, where the applicant indicates that a verbal agreement was made to extend the hours for the sale of alcohol. The applicant commented that representations received from Gwent Police and Licensing were in contrast to discussions that the applicant states were had at that meeting.

The applicant requested a meeting with the Police and the Licensing Authority in its role as a responsible authority in an attempt to mediate the variation application. The applicant commented that it was hoped that the extension of the hours discussed at that meeting would be honoured.

The hours, the applicant indicated that were agreed with Responsible Authorities were 9am to 00:00 Monday to Thursday and 9am to 0:30 Friday and Saturday with a 30-minute winding down period.

The applicant has agreed to the representations made by Health & Safety Officer but no confirmation has been received from the applicant in respect of the proposed conditions suggested by the Police and Licensing Authority in its role as a Responsible Authority.

## 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 variation of an existing premises licence at The Unit (previously known as Keds Café Bar) 21-23 Afon Court, Greenway, Bedwas House Industrial Estate, Bedwas, Caerphilly.

The variation application seeks to address the increase in size of the licensable area, given a move into an adjoining unit and use of an upstairs mezzanine area and outside area, to increase the permitted sale of alcohol hours and seeks to remove a number of existing conditions of the licence.

Therefore, there will be three main considerations for Members to consider as part of this application. The variation application is required to address the increased size and change of layout of the premises, as the premises plan forms part of the licence. Secondly, there are some conditions contained on the existing licence which could be viewed as superfluous or not relevant. Lastly and the main issue is that relating to the proposed increased hours for the sale of alcohol and their appropriateness.

Representations to the variation application have been received from Responsible Authorities (RA's) namely Gwent Police, Health & Safety (Environmental Health) and the Licensing Authority in its role as a responsible authority during the statutory 28-day consultation period. It is noted that there were no resident or business representations received during the consultation period.

No issue is taken with the revised plans submitted. The Police have advocated the retention of condition 11 currently detailed on the premises licence which specifies staff training requirements. The Police advocate that conditions 9 & 10 are removed and suggest revised conditions having considered the new operating schedule submitted by the applicant. To date no indication has been communicated by the applicant as to the acceptance of these conditions.

Gwent Police and Licensing Authority in its role as Responsible Authority have objected to the proposed times sought by the applicant and have advocated that no increase in permitted hours be approved. This position appears to be borne out of a lack of confidence in the applicant's ability to promote the licensing objectives, following recent visits following allegations reported to Gwent Police and joint visits with the Licensing Authority made to discuss the same with the applicant.

Paragraph 9.12 of the Home Office Section 182 Guidance details the following -

*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.*

The Licensing Authority in its role as a responsible authority details a visit to the premises on the 20<sup>th</sup> March 2024 where changes to the premises layout were identified, there was a concern regarding a lack of knowledge of the existing premises licence and its limitations. Concern was also expressed about the failure to inform or consult with the Licensing Authority.

Reference is also made to an alleged unauthorised event held on the 1<sup>st</sup> May 2024 where alcohol had been sold in the absence of an authorisation. The Licensing Authority Officer in its role as a responsible authority expressed concerns about the premises licence holder's ability to promote the licensing objectives. To address, any ambiguity of any licensed area, it was advocated that the outside area to be approved be appropriately delineated to mark the boundary of the premises.

In relation to Licence hours, the Home Office Section 182 Guidance provides the following advice at paragraph 10.14 and states '*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.*'

Furthermore, at paragraph 14.51 the following guidance is provided which states '*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.'*

Currently Members will note that the permitted sale of alcohol times are 11.00hrs until 23.00hrs Monday to Sunday. The variation application submitted by the applicant sought to extend the terminal hours on Monday – Thursday by an hour and on Friday and Saturday from 23.00hrs until 04.00hrs. In addition, the ability to provide the sale of alcohol 2 hours earlier in the mornings from 9.00hrs as opposed to the existing 11.00hrs. The applicant sought an extra hour on Sunday mornings together with a terminal hour of 23.30hrs, an extra 30minutes.

It is noted that sale of alcohol is the only licensable activity that has been applied for on this variation application, as such the only licensable activity that will be provided at the premises should the application be approved is the sale of alcohol. Late Night refreshment or Regulated entertainment will not be permitted should this application for additional hours be approved. Any entertainment or hot food sold at the premise would need to cease at 23.00hrs but if approved patrons could be sold alcohol until 04.00hrs.

It is understood from the applicant's comments following receipt of Responsible Authority representations that it was felt an agreement had been reached in respect of a revised position in respect of hours namely Hours agreed were 9am until 0:00, Monday to Thursday and 9am until 0:30 Friday and Saturday with a 30-minute cooling off period.

The Council's Statement of Licensing policy at paragraph 5.5 details the following '*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.'*

Further Guidance is offered to Members at paragraph 5.6 of the Council's Statement of Licensing policy which states '*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.'*

Paragraph 5.3 of Council's Statement of Licensing policy states '*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.....'*

Given the position, taken by Responsible Authorities in relation to opposing the hours sought by the applicant, should Members determine to refuse any increased hours, then the condition

relating to a cool down or wind down period will not be able to attached, as a condition as this would be outside the scope of its powers in relation to variations.

## 1.10 **RECOMMENDATION**

Having considered the application submitted, it is noted that there is no objection by the responsible authorities to the proposals to extend the licensable area. As the plan of the premises forms part of the premises licence, Members are advocated to approve the revised layout as submitted by the applicant.

There has been no objection to the removal of the majority of conditions proposed to be removed from the premises licence by the applicant, save for condition 11 in relation to training requirements.

The responsible authorities have considered the operating schedule submitted by the applicant and have proposed conditions as detailed in **Appendix 9** be attached to the licence. It is advocated that Members approve the removal of conditions proposed by the applicant, save for condition 11 and the addition of conditions contained within **Appendix 9**.

A concern is expressed by Responsible Authorities as to the applicant's ability to promote the licensing objectives and their position is that no additional hours be approved in relation to the variation submitted. Given the reference within the Section 182 Guidance to the expert status of the responsible authorities, it is advocated that Members do not approve any increased hours to permit the sale of alcohol.

However, should Members determine to permit increased sale of alcohol times after 23.00hrs, then it is advocated that the following condition be applied to the licence, namely that 'the premises will be cleared of customers within 30 minutes of the last supply of alcohol on any day.' This being in line with representations advocated by the Police and Licensing Authority in its role as a Responsible Authority.

Background Papers:

[Revised Guidance issued under section 182 of the Licensing Act 2003  
\(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

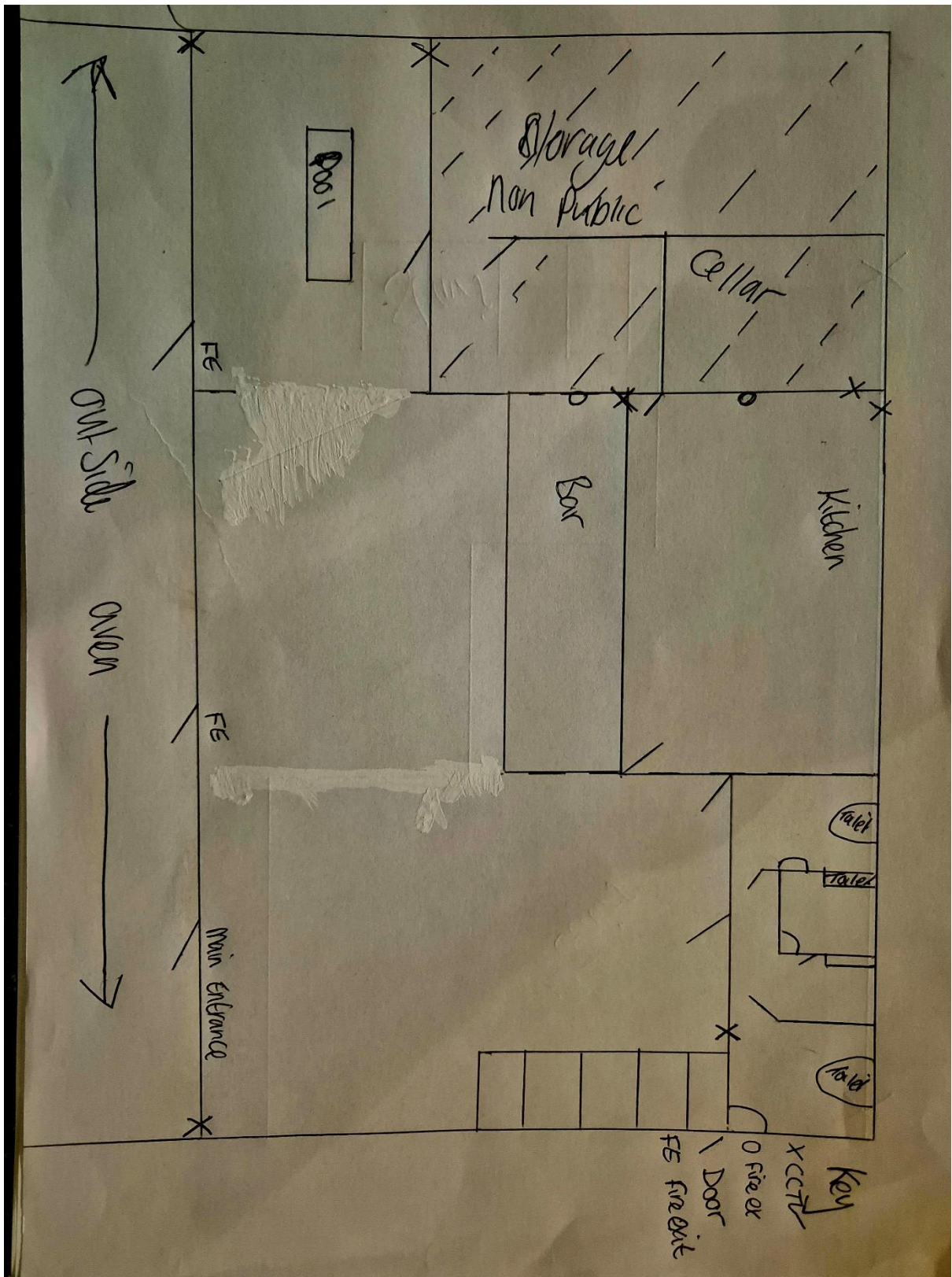
[statementoflicensingpolicy.aspx \(caerphilly.gov.uk\)](https://www.caerphilly.gov.uk/statementoflicensingpolicy.aspx)

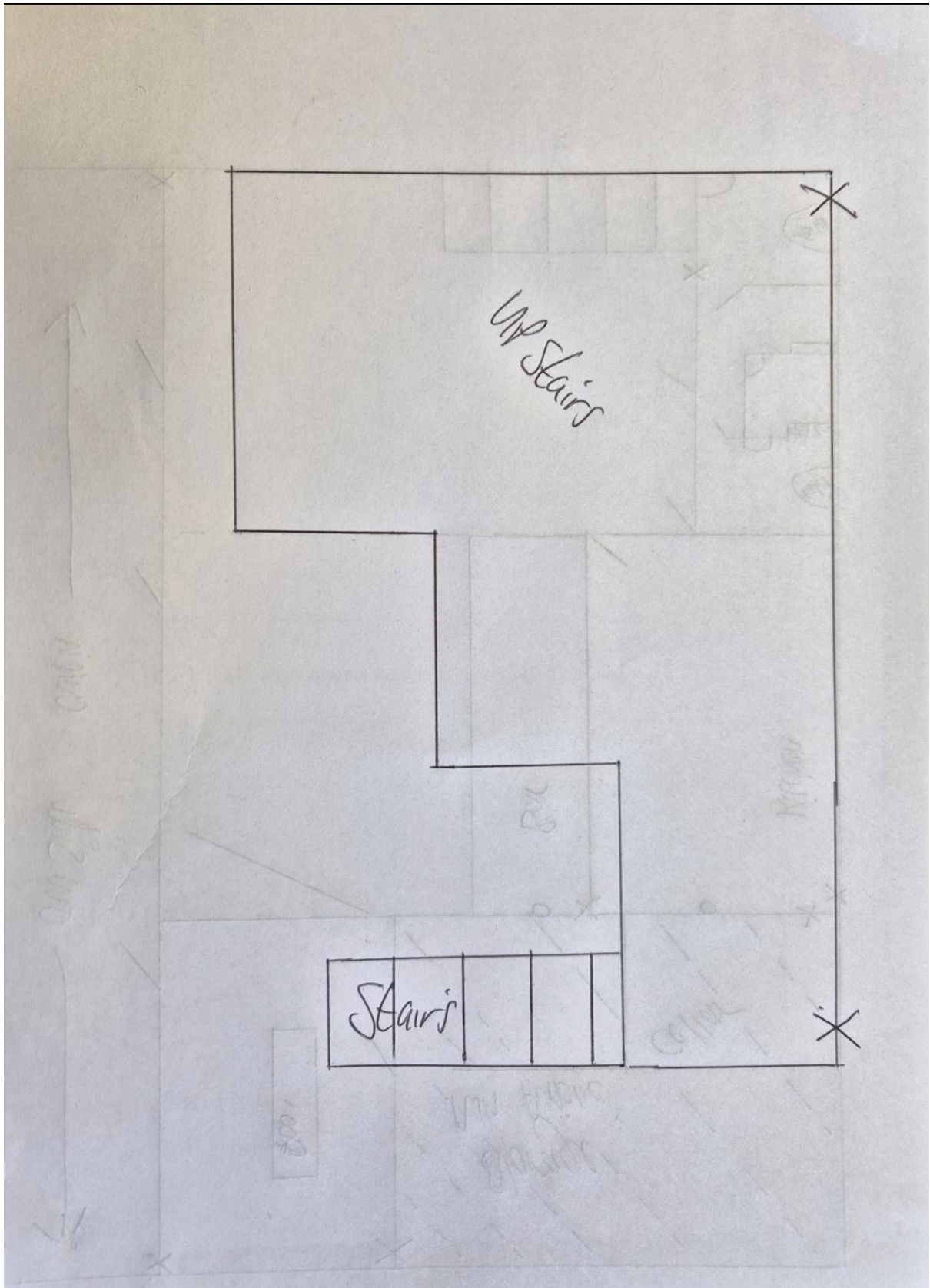
Date of this report: 30<sup>th</sup> May 2024

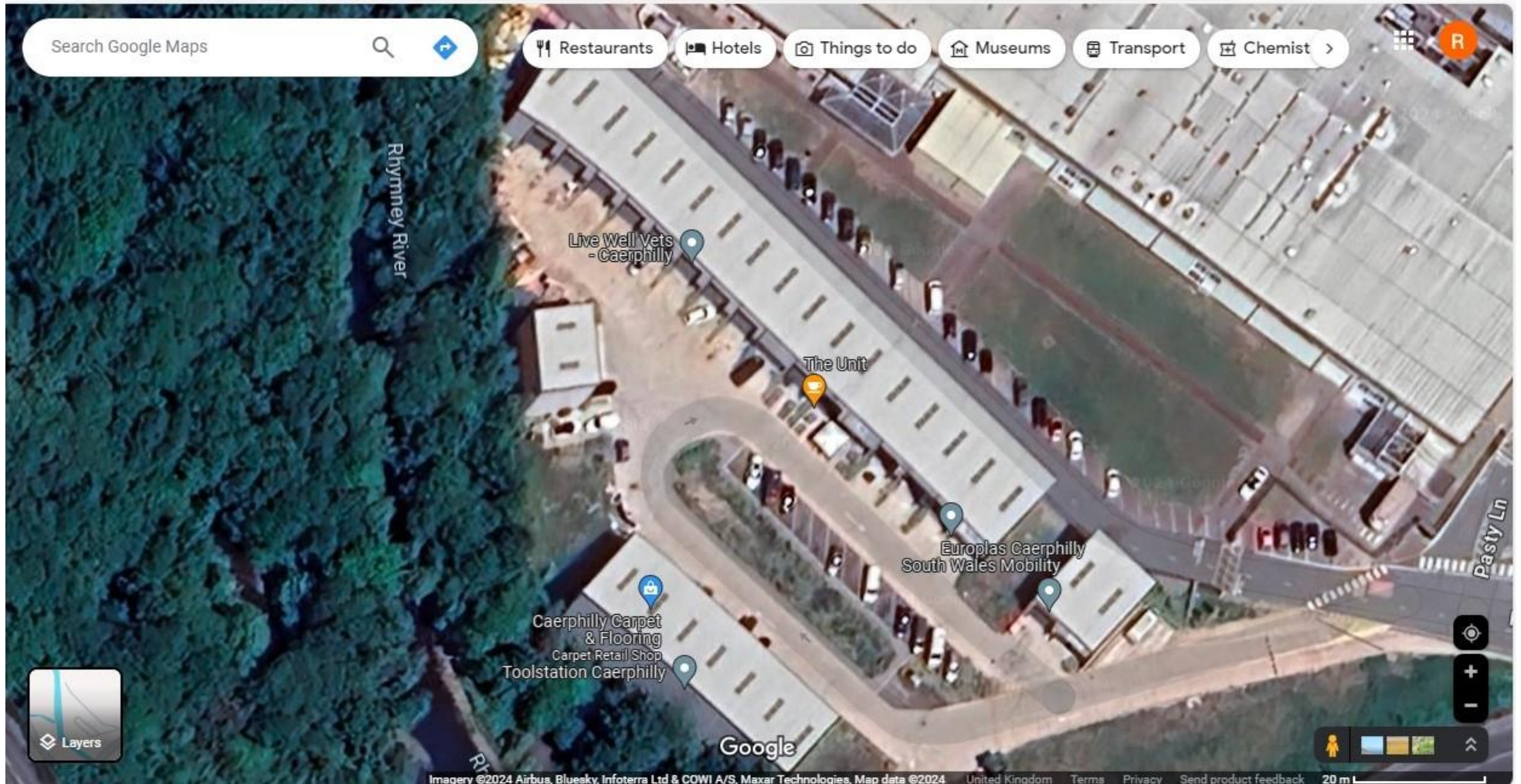
Author: Lee Morgan – Licensing Manager [morgal16@caerphilly.gov.uk](mailto:morgal16@caerphilly.gov.uk)

Gadewir y dudalen hon yn wag yn fwriadol









Gadewir y dudalen hon yn wag yn fwiadol











## Extract of Statement of Licensing Policy

5.1 Paragraph 10.13 of the Government's current Section 182 Guidance states that: "The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, 8 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.

5.2 Paragraph 13.41 of the Government's current Section 182 Guidance goes on to state that: "As part of its licensing policy, the licensing authority may also wish to consider the use of alternative measures such as fixed closed times and zoning within its area, providing such mechanisms are justified on the basis of the licensing objectives and are only presumptive, with final decisions continuing to be made in relation to the individual premises on a case by case basis in accordance with what is appropriate to promote the licensing objectives. The licensing authority would be expected to include its intention to use such measures in its statement of licensing policy and justify doing so in order to orchestrate closing times so as to manage problems in the night-time economy based on the promotion of the licensing objectives. As with the creation of a cumulative impact policies, the use of such mechanisms would create a rebuttable presumption and would apply in the event of representation being received"

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.

5.8 Drinking up time / cooling down time Even though the traditional drinking up time was not carried over into the Act, the Council recommends that applicants of premises licensed for the on-sale of alcohol should consider a drinking up / cooling down period. During this time music volume may be reduced, customers may finish their drinks and make arrangements for transportation from the premises. The Council considers that a 30 minute drinking up time will assist in the gradual dispersal of customers and consequently reduce any potential negative impact on the area.

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](http://www.caerphilly.gov.uk)
- b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary).
- 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data.
- d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives.
- e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

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

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

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

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

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

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

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

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

28.12 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.

Gadewir y dudalen hon yn wag yn fwriadol



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

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

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

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

2.1 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

<b>Name of Applicant</b>	Gareth Kedward Kedward Consultancy ltd. 21 -23 Afon Court , Greenway . Bedwas House Ind Estate . Caerphilly CF838XP
<b>Premises</b>	Keds Café Bar

<b>Your Name</b>	Jon Taylor
<b>Job Title</b>	Police Constable Pc 1141
<b>email Address</b>	<a href="mailto:Licensingwest@gwent.police.uk">Licensingwest@gwent.police.uk</a>
<b>Contact Telephone Number</b>	07788328928
<b>Date</b>	14.5.24

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

<p><b>Please outline the reasons for your Representations</b></p> <p>Gwent Police have received an application to vary the premises license at keds Café Bar at the location above .</p> <p>The Premises currently holds a premises licence and Alcohol supply times currently are: Monday to Sunday 11.00 to 23.00 hrs Opening hours to the public are currently Monday to Sunday 07.00 to 23.00 hrs .</p> <p>The applicant Gareth Kedward is applying by way of variation a change to supply alcohol Monday to Thursday 09.00 to 00.00 hrs for ON / OFF sales.</p>
--

[Type here]

Friday and Saturday 09.00 to 04.00 hrs  
Sundays 10.00 to 23.30 hrs

The hours open to the public requested are Monday to Thurs 09.00 to 00.00  
Friday and Saturday 09.00 to 04.00hrs , Sundays 10.00 to 23.00 hrs

The applicant has proposed.

We would like to extend the hours of alcohol sales. 23:30 will allow a 30 minute cooling period for departure at midnight.

CCTV will cover all areas where Alcohol can be consumed.

Children will need to be accompanied by an appropriate adult. At 9pm children will be asked to leave unless attending a pre-booked private party booking, or watch is big sporting event with a parent where a table would again need to be pre booked

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Following a recent meeting with Gwent Police and Caerphilly County Borough Council to review the licence. The discussions were suggested for this variation to be put forward.

It was suggested for your consideration to remove the following.

Points: 11,15,16,17,18,19,20,23,24,26,27,28,29,30 and 31.

On Point 20 we propose to put in a written risk assessment for the use switching from glass to plastic for drinks to be consumed outside. We currently do this informally, but it was suggested we formalise for consistency.

### **General -All four licensing objectives.**

Challenge 25

CCTV

Signage

Responsible drinking

Door staff were required.

Responsible Drinking i.e. refusal to serve those intoxicated

### **The prevention of crime and disorder**

CCTV in operation with a view of all areas where alcohol could be consumed. The use of door staff for larger parties/ events or where it deemed appropriate.

A challenge 25 will be adopted for alcohol sales

Signage to be put up e.g. zero tolerance to drug use

### **Public safety**

CCTV in operation and door staff used where needed

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

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



[Type here]

**The prevention of public nuisance**

Responsible drinking guidelines and challenge 25 will be adopted.

Signs put up to request customers leave in a respectful manner, challenge 25 and zero tolerance to anti social behaviour and drug use.

**The protection of children from harm**

Children will have to be accompanied by a responsible adult or guardian. Children will be asked to leave after 9pm unless attending a pre booked parties or activities e.g. major sporting event. Again they would need a responsible adult and be pre booked a seat/ table.

On Weds 1<sup>st</sup> May 2024 , officers from Gwent Police licensing and Caerphilly council attended the venue and met with the applicant . A recent unlicenced event was discussed that took place at the location on Friday 26<sup>th</sup> April . This event would have required a TENS as there was external third-party alcohol supply and not covered by the premises licence. An incident of disorder occurred during the event which was dealt with by door staff and a record was written in the incident book .The incident report however did not note time and other details in accordance with condition 7 of the licence .

**7. An incident report logbook shall always be held at the premises to record details of incidents that occur in the premises and shall be produced to an authorised officer of the Licensing Authority or a constable immediately upon request. It shall contain the details of persons involved, incident description, time and date, actions taken and outcome of the situation. Records shall be retained for a minimum of 12 months**

The application was discussed in detail. The applicant agreed to amend the proposed Alcohol supply time on Fridays and Saturdays from 04.00 to 00.30 hrs

The applicant has provided several conditions at the application stage that will promote the 4 licensing objectives. Gwent Police objects to the revised times applied for at this stage. Gwent police are not confident that at this time the licensing objectives wouldn't be undermined by extending the alcohol supply times to the premises . The applicant has offered some conditions, Gwent police 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.

The applicant has requested the removal of conditions 11,15,16,17,18,19,20,23,24,26,27,28,29,30 and 31. Gwent police would like condition 11 to remain.

Gwent police would like existing alcohol supply times to remain the same but to incorporate a cool down period of 30 minutes from last supply time to leaving the premises.

**What conditions could be added to the licence to remedy your representation**

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

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

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

[Type here]

**that the Licensing Sub-Committee could take into account**

Challenge 25  
CCTV  
Signage  
Responsible drinking  
Door staff were required.  
Responsible Drinking i.e. refusal to serve those intoxicated

CCTV in operation with a view of all areas where alcohol could be consumed. The use of door staff for larger parties/ events or where it deemed appropriate.

A challenge 25 will be adopted for alcohol sales  
Signage to be put up e.g. zero tolerance to drug use

CCTV in operation and door staff used where needed

Responsible drinking guidelines and challenge 25 will be adopted.  
Signs put up to request customers leave in a respectful manner,  
challenge 25 and zero tolerance to anti social behaviour and drug use.

Children will have to be accompanied by a responsible adult or guardian. Children will be asked to leave after 9pm unless attending a pre booked parties or activities e.g. major sporting event. Again they would need a responsible adult and be pre booked a seat/ table.

**Gwent Police would like the above reworded to read :**

Clear notices must be displayed at all points where customers leave the building instructing them to leave the premises and the area quietly.

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

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

- (i) Full name;
- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised

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

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

[Type here]

by the Licensing Authority (including expiry date of that registration or accreditation);

(i) The time they began their duty;

(iv) The time they completed their duty.

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

The Outside area to be monitored periodically by staff through licensable times.

Children and young persons must be accompanied and supervised by a responsible adult at all times and must vacate the premises by 9pm unless of a televised sporting event or they are part of a pre-booked function event being held at the premises, in which case children and young persons must vacate the premises by 23:00.

Following a recent meeting with Gwent Police and Caerphilly County Borough Council to review the licence. The discussions were suggested for this variation to be put forward.

It was suggested for your consideration to remove the following.

Points: 11,15,16,17,18,19,20,23,24,26,27,28,29,30 and 31.

On Point 20 we propose to put in a written risk assessment for the use switching from glass to plastic for drinks to be consumed outside. We currently do this informally, but it was suggested we formalise for consistency.

In regards to the above conditions offered for removal  
Gwent police would advocate condition 11 remain:  
Namely

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

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

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

[Type here]

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

Conditions 15,16,17,18,19,20,23,24,26,27,28,29,30 and 31 can be removed .

**Gwent police would advocate condition 9 and 10 be removed from the premises license .**

9. The premises licence holder shall ensure that on acceptance of online alcohol purchases, checks must be made, to ensure customers are aged 18 years or over.

10. The premises licence holder shall ensure that where any deliveries of alcohol are made, the recipient is aged 18 years or over, by means of the production of photographic identification such as a photo card driving licence or passport. These checks must be recorded and made available to any authorised officer of the Licensing Authority or Police, either electronically or in a bound book:

- (i) Detailing the name, address and age of purchaser;
- (ii) Details of the person and/or company delivering the alcohol

**And be replaced with**

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

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

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

In the event that a delivery driver is unable to obtain identification from a customer, then the customer will be

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

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

[Type here]

refused service of alcohol, and a record of that refusal will be made in writing or electronically and will include the following: a) Order reference number; b) Date of refusal; c) Reason for refusal; d) Identity of individual refusing the delivery.

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

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

**In addition, Gwent Police would like to add the below conditions which would assist the applicant in promoting the licensing objectives:**

The DPS or their representative must actively participate in Pubwatch scheme in the area . Active participation will be deemed acceptable if the DPS joins the scheme, is represented in at least 50% of the meetings in any twelve-month period and abides by the decisions of the meeting, including barring of troublesome customers.

All OFF sales to be in sealed containers and not to be consumed outside the premises.

The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in any outside area(s).

The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used at the premises when events or functions are being held at the premise.

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

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

[Type here]

<b>Are you prepared to discuss these representations with the applicant by way of mediation?</b>	Yes. The representations made are reasonable and appropriate. If the applicant agrees to the conditions as proposed, Gwent Police will withdraw their representations.

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

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



## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

**RESPONSIBLE AUTHORITY**– Environmental Health - Health & Safety

<b>Name and Address of Applicant</b>	Gareth Kedward
<b>Premises</b>	KEDS Café Bar

<b>Your Name</b>	Dean Pugh <b>Date: 13/05/2024</b>
<b>Job Title</b>	Commercial Safety Officer
<b>e.mail Address</b>	Pughd1@caerphilly.gov.uk
<b>Contact Telephone Number</b>	01443 811339

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

Please outline the reasons for your Representations;

The applicant has submitted an application to vary the premises licence at Keds Café Bar/The Unit. The variation application has been submitted to add the upstairs mezzanine area, the extension into the adjacent unit and to extend the outside area to the full frontage of the new extended premises.

I support the representations submitted by fellow Responsible Authorities and also provide the additional conditions.

<p><b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b></p>	<p>Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated during times of use (this includes internal and external areas, for example such as corridors, lobbies, stairs, emergency exits, external area)</p> <p>Each event/sporting event to which the application relates is to be risk assessed on an individual basis and the necessary controls to be implemented to ensure safety of the public. These can include but not limited to use of door supervisors; use of polycarbonate/safety glasses/use of polycarbonate glasses only on the mezzanine floor area.</p> <p>All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other article or obstructions and from any article of substance which may cause a person to slip, tip or fall.</p> <p>The outside area to be appropriately delineated to mark the exact boundary of the external area. This could be by way of a roped off area, planters etc. or other manner as agreed with the responsible authorities.</p>
<p><b>Are you prepared to discuss these representations with the applicant by way of mediation?</b></p>	<p>Yes</p>

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

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





## RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

### RESPONSIBLE AUTHORITY– Licensing

<b>Name of Applicant</b>	Gareth Kedward
<b>Premises</b>	Keds Café Bar

<b>Your Name</b>	Sandra Lewis-Williams
<b>Job Title</b>	Assistant Licensing Manager
<b>e.mail Address</b>	Lewiss1@caerphilly.gov.uk
<b>Contact Telephone Number</b>	01443 866750
<b>Date</b>	14/05/2024

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

<b>Please outline the reasons for your Representations</b>
<p>The applicant has submitted an application to vary the premises licence at Keds Café Bar/The Unit. The variation application was required following a visit to the premises on 20/03/2024 by the Licensing Authority and Gwent Police Licensing where changes to the premises had been identified, during the meeting it became apparent that the licence holder appeared to have little knowledge of the premises licence and the conditions attached. Advice was provided that the licence holder should familiarise themselves with the licence, its conditions and permitted activities.</p> <p>The variation application has been submitted to add the upstairs mezzanine area, the extension in to the adjacent unit and to extend the outside area to the full frontage of the new extended premises. The premises had been extended and used without informing or consulting with the Licensing Authority and as such the premises was in breach of its licence.</p> <p>The current premises licence permits the sale and supply of alcohol Monday to Sunday 11.00 – 23.00.</p> <p>The variation application has now applied for alcohol Monday to Thursday 09:00 – 00:00, Friday and Saturday 09:00 – 04:00 and Sunday 10:00 – 23:30,</p> <p>Police Licensing, Environmental Health (Pollution Control) and the Licensing Authority visited the premises again on 01/05/2024 following an unauthorised event hosted by Keds Café Bar/The Unit</p>

where alcohol had been sold in the absence of an authorisation. The event had taken place outside the current premises.

The Licensing Authority in its role as Responsible authority has concerns in the ability of the premises licence holder to promote the 4 licensing objectives especially given the recent advice provided to the licence holder and in view of this, object to the application to extend the hours of licensable activities namely the sale and supply of alcohol. It is advocated that the hours for licensable activities should remain as currently stipulated on the licence and the premises should close within 30 minutes of the last supply of alcohol at this current time.

With regard to the extension to the licenced area, for the avoidance of doubt I would require that the outside area is appropriately delineated to mark the exact boundary of the external area. This could be by way of a roped off area, planters etc or other manner as agreed with the responsible authorities.

I would also support the representations given by Gwent Police Licensing

<b>What conditions could be added to the licence to remedy your representation that the Licensing Sub-Committee could take into account</b>	No further conditions above supporting those put forward by Gwent Police Licensing
<b>Are you prepared to discuss these representations with the applicant by way of mediation?</b>	No

**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

Clear notices must be displayed at all points where customers leave the building instructing them to leave the premises and the area quietly.

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

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

- (i) Full name
- (ii) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation);
- (iii) The time they began their duty;
- (iv) The time they completed their duty.
- (v) This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer of the Licensing Authority or a constable to establish the particulars of all door stewards engaged at the premises during the period of not less than 31 days prior to the request and shall be open to inspection by authorised officers of the Licensing Authority or a constable upon request.

The Outside area to be monitored periodically by staff through licensable times. Children and young persons must be accompanied and supervised by a responsible adult at all times and must vacate the premises by 9pm unless of a televised sporting event or they are part of a pre-booked function event being held at the premises, in which case children and young persons must vacate the premises by 23:00.

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

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

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

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

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

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

The DPS or their representative must actively participate in Pubwatch scheme in the area and attend at least 50% of the meetings in any twelve-month period.

All OFF sales to be in sealed containers and not to be consumed outside the premises.

The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used in any outside area(s).

The licence holder/DPS or responsible person shall risk assess the need for polycarbonate or toughened glasses to be used at the premises when events or functions are being held at the premise.

The premises will be cleared of customers within 30 minutes of the last supply of alcohol on any day.

Arrangements must be in place to ensure that all parts of the premises that members of the public may use, whether this be regularly or only in case of emergency are suitably illuminated during times of use (this includes internal and external areas, for example such as corridors, lobbies, stairs, emergency exits, external area)

Each event/sporting event to which the application relates is to be risk assessed on an individual basis and the necessary controls to be implemented to ensure safety of the public. These can include but not limited to use of door supervisors; use of polycarbonate/safety glasses/use of polycarbonate glasses only on the mezzanine floor area.

All gangways, passages, staircases and exit ways must at all times be kept entirely free from chairs or any other article or obstructions and from any article of substance which may cause a person to slip, tip or fall.

The outside area to be appropriately delineated to mark the exact boundary of the external area. This could be by way of a roped off area, planters etc. or other manner as agreed with the responsible authorities.