

Pecyn Dogfennau Cyhoeddus

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

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



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Jo Thomas
(Rhif Ffôn: 07714600912 Ebost: thomaj8@caerphilly.gov.uk)

Dyddiad: Dydd Llun, 19 Mehefin 2024

I bwy bynnag a fynno wybod,

Bydd cyfarfod aml-leoliad yr **Is-bwyllgor Trwyddedu a Hapchwarae** sydd wedi'i ailgynnull yn cael ei gynnal yn Nhŷ Penallta, a thrwy Microsoft Teams ddydd **Mawrth, 30 Gorffennaf, 2024** am **10am** i ystyried y materion sydd wedi'u cynnwys yn yr agenda a ganlyn. Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o rybudd os ydych chi'n 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



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.

3 Penderfynu Cais am Drwydded Safle Newydd.

1 - 52

Cylchrediad:

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

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n 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 Preifatrwydd Cyfarfodydd Pwyllgor Lla wn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.



RECONVENED FROM THE 19TH JUNE 2024 - LICENSING AND GAMBLING SUB COMMITTEE 19TH JUNE 2024

SUBJECT: DETERMINATION OF A NEW PREMISES LICENCE APPLICATION

REPORT BY: KATHRYN HOPKINS - SENIOR LICENSING OFFICER

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1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Euro Garages Ltd	ASDA Express PFS Chequered Flag Newport Road Trethomas CF83 8GB	New premises licence

1.1 Application for a new Premises Licence

On 24th April 2024, an application for a new premises licence under the Licensing Act 2003 was made in respect of the above-mentioned premise.

The initial application for the grant of a Premises Licence sought the sale of alcohol via off sales, 24 hours a day, Monday to Sunday and Late-Night Refreshment (LNR) between the hours 23.00 to 05.00.

Following the application process, the applicant subsequently amended his application to reflect the sale of alcohol for off sales, between the hours of 06.00 until 23.00 Monday to Sunday.

In addition, the applicant also agreed that no customers will be able to enter the premises between the hours of 22.00 until 06.00 and in respect of Late-Night Refreshment (LNR) that this be limited to hot drinks only, via a 'night hatch.'

The proposed application for consideration is set out in **1.2** of this report.

1.2 Proposed Trading Times and Licensable Activity

The initial application for a new Premises Licence sought to permit the following Licensable Activities.

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

Monday to Sunday inclusive, 00.00 – 23.59 (24 HRS)

- **Late Night Refreshment (LNR) -**

Monday to Sunday, 23.00 – 05.00

The revised proposed hours following the consultation period are as follows: -

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

Monday to Sunday, 06.00 – 23.00

- **Late Night Refreshment (LNR) -**

Monday to Sunday, 23.00 – 05.00

1.3 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 premise are reproduced as **Appendix 3**.

1.4 Other Licensed Premises in the Vicinity/Trading Times

The following licensed premises can be found within the vicinity to sell alcohol.

- Tesco Express – PRM145
Monday to Sunday, 06.00 to 23.00
- Trethomas News – PRM072
Monday to Saturday, 08.00 to 23.00
Sunday, 10.00 to 22.30

1.5 Operating Schedule

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

Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.

All spirits will be displayed behind the counter.

No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to pre packaged gift packs which may contain a spirit miniature.

A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.

All spirits will be displayed behind the counter.

The premise licence holder seeks to comply with the requirements of the health and safety legislation.

The store will have a till prompt system for alcohol products.

When prompted, staff will adopt a Challenge 25 proof of age scheme. Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.

Notices are to be prominently displayed advising customers of the Challenge 25 policy.

1.6 Site History

A premises formerly known as Chequered Flag Service Station was licensed for the following licensable activities at the same location: -

Sale of alcohol

Monday to Sunday, 0.00 - 23.59

Late Night Refreshment (LNR)

Monday to Sunday, 23.00 – 05.00

The above permission was granted at a Licensing & Gambling Sub Committee on 26th June 2014 following representations.

In 2017, the licence holder Euro Garages Ltd applied to remove alcohol by way of a minor variation which was approved under delegated powers by the Licensing Authority. Therefore, the only licensable activity permitted was for Late Night Refreshment (LNR) between the hours 23.00 – 05.00.

The premise licence was subsequently surrendered by the licence holder on 12th January 2021 and has since been operating as a petrol station/convenience store without the benefit of a premises licence.

1.7 **RELEVANT CONSIDERATIONS**

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

National Guidance **Appendix 5**

1.8 **RELEVANT REPRESENTATIONS RECEIVED DURING CONSULTATION PERIOD**

1.8.1 Responsible Authorities:

Environmental Health (Noise Pollution)

Document	Date Received	Appendix Reference
Representation	17/05/2024	Appendix 6

Gwent Police

Document	Date Received	Appendix Reference
Representation	21/05/2024	Appendix 7

Licensing Authority (in its role as Responsible Authority)

Document	Date Received	Appendix Reference
Representation	21/05/2024	Appendix 8

Fire and Childrens Services have indicated that they have no representations in respect of the application. The Environmental Health Officer (H&S) confirmed no representations and supports comments by other Responsible Authorities.

1.8.2 Other Persons:

Over 100 identical objections were received within the 28 day consultation period from residents of Lower Graig-Y-Rhacca. These were received by way of letter or email in a petition format from residents, the Elected Member and community councillors. Two residents provided individual representations detailing their objection to the application.

A copy of these objections, together with a list of persons objecting is reproduced at **Appendix 9**.

1.9 **SUMMARY OF REPRESENTATIONS**

Environmental Health (Noise Pollution)

The Environmental Health Officer detailed significant concerns regarding the proposed licensable hours may have upon nearby residents and the local area. Concern was

expressed that the premise could be a magnet for youths which may give rise to excessive noise, rowdy behaviour and littering.

Concern was also expressed that the applicant had not provided any details in their submission as to any mitigation that had been considered, or measures put in place to minimise the potential impact the proposed licensable activities and potential nuisance from external lighting may have upon the prevention of public nuisance to nearby residents and the local community.

The Environmental Health Officer welcomed additional conditions offered by Gwent Police which was agreed by the applicant, however the officer still had concerns that the provision of late-night refreshment and supply of alcohol after 23.00 hours was likely to compromise the Prevention of Public Nuisance licensing objective. Having regard to this, the Environmental Health Officer advocated restricting the supply of alcohol between 06.00 to 23.00 and proposed other conditions which were deemed reasonable and more amenable to the local area. Should the applicant accept these conditions then the Environmental Health Officer would not object to the application.

Gwent Police

Gwent Police discussed the application with the applicant and was satisfied with the applicants proposed conditions as part of their operating schedule. Gwent Police did not object to the hours for sale of alcohol and LNR, however advocated additional conditions in relation to the promotion of the licensing objectives which was subsequently agreed by the applicant. These included restricting access to the premises between 22.00hrs and 06.00hrs and limiting late night refreshment to hot drinks only.

Licensing Authority (in its role as a Responsible Authority)

The Licensing Authority in its role as Responsible Authority has no representations providing the applicant amends the hours for the sale of alcohol between 06.00 to midnight as proposed by the applicant by way of mediation from residents' objections. The Licensing Authority supports the additional conditions suggested by Gwent Police which has been agreed by the applicant.

Other Persons/Residents

Representations have been received from over 100 residents, including an Elected Member and Blackwood, Trethomas & Machen Community Council during the consultation process who lodged objections to the grant of the premises licence application.

A document which appears to be in a form of a petition as referred to in **Appendix 9** was signed by multiple signatories objecting to the application. The objections received refers to a reduction in crime and disorder (following the cessation of alcohol sales from a premises previously authorised to sell alcohol), public safety incidents, public nuisance, anti-social behaviour and the absence of alcohol cans littered throughout the surrounding areas since the previous licence holder stopped selling alcohol from the premise.

The residents have concerns that the application if granted could result in a rise of instances of harm to children, anti-social behaviour, and littering.

Furthermore, residents also object on the basis that there is another licensed premise within 500m of this premise that sells alcohol 7 days a week until 23.00 hours.

The Local Member detailed concerns in respect of previous licence holders and litter generated by the business and expressed concern over groups of people and vehicles which may congregate for hot food. Reference was made to groups which had previously gathered in the local woods when alcohol had been available. Comment was expressed that residents may be more amenable to a lesser period than the hours originally applied for by the applicant.

In addition, to signing the petition, resident Valerie Davies also expressed further concerns relating to night time raids when the premise was previously licensed to sell alcohol causing injuries to her late friend and asks what safety measures will be in place for employees, customers and general public should incidents occur.

Mrs Davies detailed concerns relating to males congregating on the path near Redbrook Lane drinking and smoking, causing her to feel intimidated, and concerns that there will be an increase in litter and broken glass as *"the council's budget no longer stretches to regular litter clearing"*.

Mrs Davies also expressed concerns about 'makeshift' camping sites creating nuisance and a public health hazard. Her concerns have been discussed with local police officers who assured her they would also object to the application. Mrs Davies raised a question as to why petrol stations are allowed to sell alcoholic products and by granting a third premise to sell alcohol within a 500 metre is *"asking for trouble"*. Mrs Davies feels this is about profit and the community will suffer in the end should this application be approved.

In addition to signing the petition residents Clare & Tim Cannon provided further comments expressing their concerns that when the garage previously sold alcohol it was awful, especially during weekends where empty cans and bottles ended up in their garden or on cars. Anti-social behaviour was noticeable in the area with people setting fire to paper on top of the cars. However, this behaviour ceased when the garage stopped selling alcohol.

Mr & Mrs Cannon also expressed further concern to litter in the woods, with empty cans in the stream. Mr Cannon also encountered an incident with a drunk male who showed violent behaviour towards him.

Mr & Mrs Cannon believe the problems will only get worse if the premise is allowed to sell alcohol and that the existing premises licensed to sell alcohol in the area is sufficient without the need of another. They expressed concerns about garages being permitted to sell alcohol and concerned about potential drink driving. They are concerned about 24 hour opening causing anxiety to their selves and their neighbours in a known drug/alcohol area.

Residents were advised of the applicant's response following their objection to the application in which the applicant had initially agreed to amend the hours for alcohol sales to 06.00 to midnight if they would withdraw their representations, also advising Gwent Police had no objection to the 24-hour sale of alcohol and agreed a condition that LNR will be for hot drinks only.

Following representations from the Environmental Health Officer (Noise Pollution) the applicant agreed to further amend the hours for the sale of alcohol from 06.00 to 23.00.

At the time of drafting this report, residents/other persons have responded after considering the applicant's response resulting in one resident withdrawing their objection, whilst other residents maintaining they do not wish to withdraw their objection and wish to attend a hearing.

1.10 APPLICANT RESPONSE

The applicant's agent acknowledged receipt of objections received from 'other persons' under the legislation and agreed by way of mediation to amend the hours for the sale of alcohol Monday to Sunday between the hours 06.00 to midnight.

Following discussions with Gwent Police in relation to the application, the applicant also agreed to additional conditions offered to promote the licensing objectives. The applicant agreed that all sales between the hours of 22.00 to 06.00 take place through a 'night hatch', and an amended plan was submitted to reflect the location of the 'night hatch'.

The applicant has agreed to the conditions proposed by the Environmental Health Officer (Noise Pollution) and agreed to further amend the hours for the sale of alcohol between 06.00 to 23.00.

1.11 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.

In addition to the above, in accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005, the authority may take into account documentary or other information produced by a party in support of their application, representations or notice either before the hearing or, with the consent of all parties, at the hearing.

Furthermore, the Sub Committee may accept hearsay evidence and it will be a matter for the members to attach what weight to it that they consider appropriate. Hearsay evidence is evidence of something that a witness neither saw nor heard but has heard or read about.

1.12 OBSERVATIONS

This application seeks to provide licensable activities in relation to the sale of alcohol from 06.00 – 23.00 hours and late-night refreshment (LNR) from 23.00 to 05.00 hours Monday to Sunday.

Following the 28-day consultation representations were received from Environmental Health (Noise Pollution), Gwent Police and the Licensing Authority in its role as a Responsible Authority.

In addition, the Elected Member for the area and two residents (Other Parties) have submitted their own objections together with over a hundred individuals who appear to have used a templated letter / email petition outlining their opposition to the application.

Gwent Police as the lead authority in relation to crime and disorder have not objected to the application but have advocated additional conditions to those offered by the applicant should a licence be approved.

These additional conditions included a restriction on customers being permitted to enter the premise between the hours of 22.00 and 06.00 and all sales during these hours will take place through a 'night hatch'. Furthermore, late night refreshment (LNR) provided between the hours of 23.00 and 05.00 would be for hot drinks only. These proposed conditions have been accepted by the applicant.

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

Paragraph 8.42 of the Section 182 Home Office National Guidance echoes the above requirements by licensees and states - *'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.'*

The Environmental Health Officer (Noise Pollution) and the Licensing Authority (in its role as a responsible authority) expressed concerns that the applicant had not considered fully the impact the premises would have in terms of Public Nuisance. Paragraph 5.7 of the Councils policy states *'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'*.

In this instance, the applicant has failed to contact the appropriate Responsible Authorities to discuss proposals prior to submitting his application. Paragraph 10.3 of the council's licensing policy states *'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'*. Paragraph 26.2 of the council's statement of licensing policy also states, *'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.'*

Members of the Sub Licensing Committee will be required to determine the application in relation to the promotion of the four licensing objectives i.e. prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm and can have regard to the following extracts of the Section 182 Home Office Guidance and the council's own Statement of Licensing Policy.

Paragraph 5.4 of the council's statement of licensing policy offers advice in relation to permitted hours for the sale of alcohol and consideration of the local environment and states *'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.'

Paragraph 5.5 of the council's statement of licensing policy highlights the effect on applications where alcohol hours have not been properly considered and states *'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.'*

Paragraph 7.4 of the council's statement of licensing policy states *'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.'*

Paragraph 1.17 of the Section 182 Home Office National Guidance states – *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.*

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

It is noted that some of content of the objections detailed by the residents are not specifically linked to the licensing objectives, for example, the commercial demand for another premise would not ordinarily be a consideration for Members.

There has been reference to the existing number of licensed premises in the area, however the Council does not currently have any cumulative impact areas and therefore the number or type of other licensed premises in the vicinity would not ordinarily be a consideration for Members of the Sub Committee. The same principle would apply in relation to the 'need' or otherwise for a new, licensed premises.

Advice for Members in relation to need, is provided within the Section 182 Home Office National Guidance, Paragraph 14.19 states *'There can be confusion about the difference between the "need" for premises and the "cumulative impact" of premises on the licensing objectives, for example, on crime and disorder. "Need" concerns the commercial demand for another pub or restaurant or hotel and is a matter for the planning authority and for the market. This is not a matter for a licensing authority in discharging its licensing functions or for its statement of licensing policy.'*

The concerns of the local residents whilst understandable, appear to be largely anticipatory in nature about the increased levels of behaviour or issues which could

arise, should a licence be granted for this premises. There is particular reference to the issues which arose during a time where a premises at this location held a licence to sell alcohol.

The petition submitted reflects comments from residents of Lower Graig-Y-Rhacca. These concerns appear to be quite narrow in their nature and primarily relate to the previous licence holder and links to alleged anti-social behaviour & litter and its impact on Sustrans routes. Given their comments, should Members determine to grant a licence the applicant will be aware of the concerns about prior issues with litter and should ensure that these are addressed on site.

Case law in *Daniel Thwaites PLC v Wirral Magistrates Court 2008* has considered similar issues in relation to real evidence and weight to be afforded and *The Noble Organisation v Kilmarnock and Loudoun District Council (1993)* states “*the mere number of objections irrespective of their content should not be a good reason for refusing an application, what matters are the grounds on which the objections are based*”.

Paragraph 28.24 of the council’s statement of licensing policy provides the following guidance when considering petitions and states that the “*Licensing Authority will accept petitions, but there are some important factors to consider before organising a petition: • We ask that the organiser of the petition identify himself or herself as a central point of contact. We may need to make contact in order to verify certain matters if we are unable to do this it could invalidate the petition. • Each page of the petition should contain information as to the purpose of the petition so that all persons know what they are signing. • Full names and addresses must be supplied • All signatories must be made aware that a copy of the petition will be supplied to the applicant and a copy will be contained within the committee papers, so their personal details will become public knowledge. We will not write to each signatory separately, but instead assume that the organiser will advise each signatory of the hearing date and the final outcome of the application. It is expected that the organiser will represent the signatories at the hearing and to speak for them. When making a decision, the Licensing Authority will give appropriate weight to a petition. Those wishing to make representations should appreciate that the quality of the representations we receive is an important consideration when making a decision*”.

The concerns in relation to Crime & Disorder have not been reflected by Gwent Police as the lead Responsible Authority for Crime & Disorder. The position taken by the Responsible Authorities has been to seek conditions and revision of operating hours as opposed to an outright objection.

Other Parties will be able to amplify their concerns about the merits of this application given reference to “antisocial behaviour” and littering at the meeting.

However, Members are directed to Paragraph 2.27 of Section 182 Home Office National Guidance which states ‘*Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in antisocial behaviour is accountable in their own right.*

It should be noted that irrespective of the outcome of the application for a new premises licence which seeks to authorise alcohol sales and the sale of hot food/drinks between 23.00 and 05.00hrs the premises, can continue to trade and sell other items for which no licence or authorisation is required 24hours a day.

1.13 **RECOMMENDATION**

Having had regard to objections received from residents and ‘other persons’, together with comments received from the Responsible Authorities, it is recommended that the application to permit the sale of alcohol for off sales and Late-Night Refreshment (LNR) as set out in paragraph 1.2 of the report, be granted as follows and subject to the conditions as set out in **Appendix 10**.

Alcohol (off sales)
Monday to Sunday, 06.00 – 23.00

Late Night Refreshment (Hot Drinks Only)
Monday to Sunday, 23.00 – 05.00

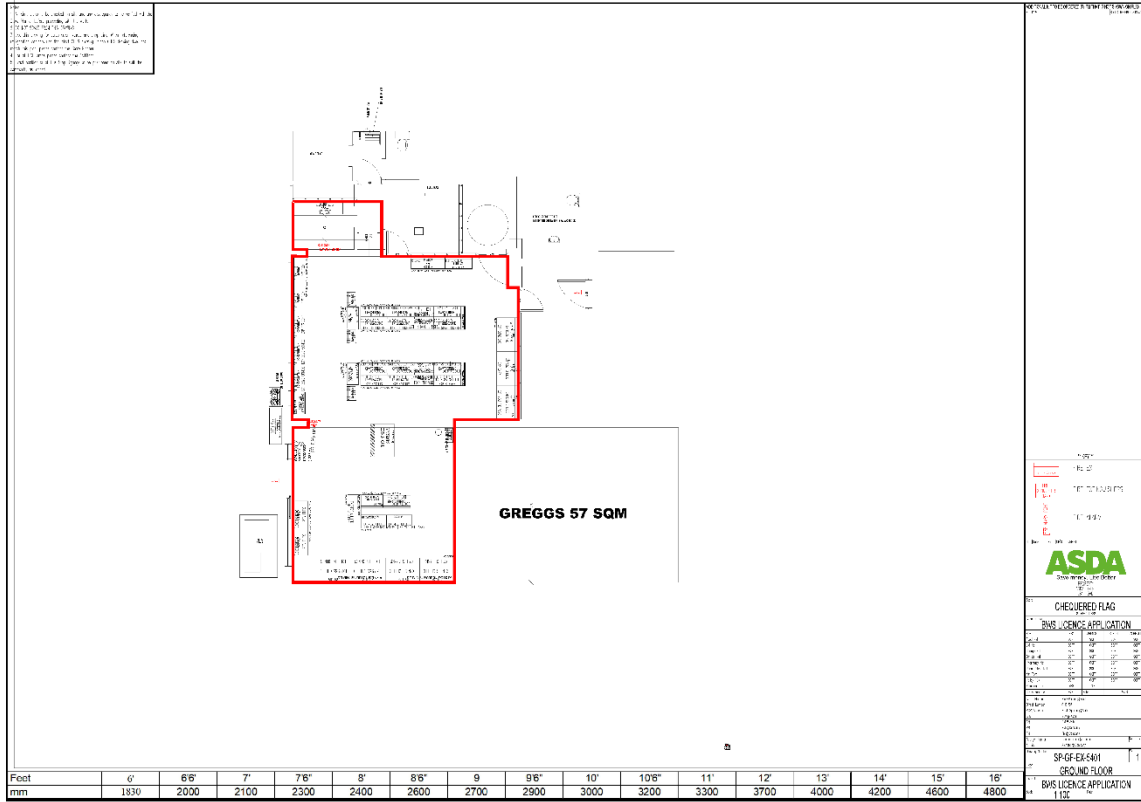
In reaching this conclusion, it is noted that there are no objections from Responsible Authorities.

Background Papers: **Statutory Guidance issued under S182 of the Licensing Act**

Caerphilly CBC Statement of Licensing Policy (2021)

Date of this report: 29th May 2024

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



Gadewir y dudalen hon yn wag yn fwriadol



Gadewir y dudalen hon yn wag yn fwiadol







Gadewir y dudalen hon yn wag yn fwriadol

Extract of Statement of Licensing Policy

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

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

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

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

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

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

trade and market demands.

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

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

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

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

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

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

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

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

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

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

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

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

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

11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed premises the control that a licence-holder can exert over its patrons diminishes and

individuals who engage in anti-social behaviour are accountable in their own right. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.

13.9 The Authority expects age verification measures to be operated by licensed premises involved in the sale and supply of alcohol to ensure the licensing objective for the protection of children is met. To support the age-verification process the Authority strongly recommended that premises have the following measures in place to ensure age verification for sales –21 • That ‘Challenge 25’ is supported as part of the age verification scheme established. The scheme should require the production of evidence of age from any person appearing to staff engaged in selling or supplying alcohol to be under the age of 25 and who is attempting to buy alcohol. • That evidence of the scheme (in the form of documented procedures) is maintained and made available for inspection by authorised officers. • That all staff involved in the sale of alcohol shall be trained in age verification schemes and proxy sales, where a person attempts to buy alcohol for a person under 18. Records of such training shall be retained on the premises and made available for inspection by authorised officers. • That an incident log be maintained, and details of all age-related refusals recorded. This book shall be reviewed monthly by the DPS and actions taken recorded in the book and signed off by the DPS. The log shall be retained on the premises and made available for inspection by authorised officers. • That a personal licence holder shall be on the premises at all times that alcohol is supplied. • That the DPS shall ensure that, as far as is reasonably practical, alcohol is displayed in an area which can be constantly monitored or supervised by staff, separate from goods likely to be purchased by persons under 18.

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

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

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

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

17.6 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications

for licences may be made before any relevant planning permission has been sought or granted by the Local Planning Authority.

25.6 The steps for consideration of licensing application, a licensing variation and a club premises certificate are: a) If no representations are made to an application, the Authority must grant it in full. Please see our website for further information www.caerphilly.gov.uk b) When an application is made, and relevant representation are made to the Authority it must hold a hearing of the Licensing Sub-Committee (unless those who have made representations agree in advance that this is unnecessary). 48 c) The Licensing Sub-Committee will then consider the evidence provided by applicants and by those making representations, the legislation and accompanying Guidance, the Statement of Licensing Policy and any other relevant data. d) The Licensing Sub-Committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives. e) Conditions on the licence, additional to those voluntarily offered by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or for the premises to continue in operation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.13 As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitious. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more detail on the definition of relevant, frivolous and vexatious representations.

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

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

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

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of

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

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

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

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

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

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

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

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

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.51 With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and

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



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY – Environmental Health, Pollution Control Team

Name of Applicant	EURO GARAGES LTD
Premises	ASDA EXPRESS PFS CHEQUERED FLAG, NEWPORT ROAD, TRETHOMAS, CAERPHILLY, CF83 8GB

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

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

<p>Please outline the reasons for your Representations</p> <p>The premises seeks to open 24 hours and provide licensable activities by way of the sale of alcohol off the premises 24 hours and late-night refreshment between 23.00 – 05.00.</p> <p>Environmental Health have significant concerns regarding the wider impact the hours for the supply of alcohol and LNR may have upon nearby residents and the local area. The applicant has not provided any details in their submission as to any mitigation that has been considered or measures to be put in place to minimise the potential impact the proposed licensable activities may have upon the prevention of public nuisance to nearby residents and the local community.</p> <p>The premises is located on the edge of Trethomas in a quiet semi-rural area and in close proximity to residential accommodation. Environmental Health do not want the service station to be a magnet for youths which in turn may give rise to excessive noise, rowdy behaviour, littering etc in the area, all of which could undermine the Prevention of Public Nuisance Licensing Objective.</p> <p>Furthermore, lighting levels can also present a significant nuisance in respect of night-time break out from premises that operate 24 hours. No information has been provided to demonstrate what control measures the client has in place to meet the prevention of public nuisance objective in respect of nuisance from external lighting.</p>

In respect of the supply of alcohol, at similar premises in the area, the supply of alcohol is restricted to between 06.00 to 23.00 hours. These hours are deemed reasonable and more amenable to the local area.

We note the additional three conditions which the applicant has submitted following agreement with Gwent Police. Those conditions read as follows -

1. *An incident/refusals book/electronic record shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. This log shall contain the following details;*
 - i. *Time, date and location of incident/refusals.*
 - ii. *Nature of the Incident/refusal.*
 - iii. *Names, addresses and contact details of persons involved.*
 - iv. *Result of the incident/refusals.*
 - v. *Action taken to prevent further such incidents.*
 - vi. *Each entry signed/reviewed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and*

The incident/refusals book/electronic record will be retained for a period of no less than 12 months and made available to the Police for inspection upon request

2. *No customers will be permitted to enter the premises between the hours of 2200 and 0600. All sales during that period will take place through the night hatch.*
3. *The provision of late night refreshment will be limited to hot drinks only.*

Environmental Health welcome these additional conditions however we do not consider these go far enough and remain to have concerns that LNR provision and supply of alcohol after 23.00 hours is likely to compromise the Prevention of Public Nuisance licensing objective.

We would however, not object to the application, subject to the additional conditions set out below:

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

- a. The supply of alcohol shall be restricted to between the hours of 06.00 and 23.00 hours on any day
- b. The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, provision of sufficient receptacles for the depositing of

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

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

	<p>waste materials such as food wrappings, drinks containers, smoking related litter etc, by customers</p> <p>c. Waste collection activities shall only take place between 08.00 and 22.00 hours</p> <p>d. All external lighting levels shall be suitably controlled so as not to cause a nuisance.</p>
<p>Are you prepared to discuss these representations with the applicant by way of mediation?</p>	<p>Yes</p>

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

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

Gadewir y dudalen hon yn wag yn fwriadol

Appendix 7

From: [Jones, Adrian](#)
To: [Hopkins, Kathryn](#)
Subject: FW: ASDA Express, Trethomas, Caerphilly GTE:00095000002857
Date: 21 May 2024 14:57:51
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

Hi Kath,

With regards to the application and below email thread from the licensing agents:

Gwent Police are happy with the proposed conditions and the additional 3 conditions agreed with the licensing agent.

Therefore, Gwent Police are satisfied with the applicants proposed conditions and operating schedule.

Cofion gorau | Kind regards

Adrian Jones



Cwnstabl 2066 | Constable 2066
 Trwyddedu a Mets/Licensing & Mates
 Partneriaeth a Chymunedau (Gorllewin)
 Partnership & Communities (West)
 Heddlu Gwent Police
 Ffôn symudol | Mobile: [REDACTED]



From: Richard Taylor <RT@gosschalks.co.uk>
Sent: Monday, April 29, 2024 12:02 PM
To: HOPKIK1@CAERPHILLY.GOV.UK
Cc: licensing@caerphilly.gov.uk; Jones, Adrian <Adrian.G.Jones@gwent.police.uk>; Lauren Barley <ljb@gosschalks.co.uk>
Subject: ASDA Express, Trethomas, Caerphilly GTE:00095000002857

You don't often get email from rt@gosschalks.co.uk. [Learn why this is important](#)

Good afternoon

I am responsible for this new premises licence application and have been discussing additional conditions with PC Adrian Jones who is copied into this e-mail.

I am pleased to confirm that we have reached agreement with regard to three additional conditions. Those conditions read as follows

1. *An incident/refusals book/electronic record shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. This log shall contain the following details;*
 - i. *Time, date and location of incident/refusals.*
 - ii. *Nature of the Incident/refusal.*
 - iii. *Names, addresses and contact details of persons involved.*
 - iv. *Result of the incident/refusals.*
 - v. *Action taken to prevent further such incidents.*
2. *Each entry signed/reviewed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and The incident/refusals book/electronic record will be retained for a period of no less than 12 months and made available to the Police for inspection upon request*
3. *No customers will be permitted to enter the premises between the hours of 2200 and 0600. All sales during that period will take place through the night hatch.*
4. *The provision of late night refreshment will be limited to hot drinks only.*

Please accept this e-mail as confirmation of our agreement to these conditions.

Adrian is copied in so that he can confirm that subject to the imposition of the agreed conditions in addition to those sent with the original application, there will be no representation from Gwent Police.

Please let me know if you require anything further from me.

Kind regards

Richard Taylor | Partner | Head of Licensing Department

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

[REDACTED]

[REDACTED] matter.

If, during the course of this matter, you receive an email or phone call purporting to be from Gosschalks informing you that our bank details have changed, it is likely to be an attempted fraud. If this happens, please report it immediately to our Cashiers Department on 01482 590203 who will verify our bank details and, if necessary, report the matter to the police.

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Gadewir y dudalen hon yn wag yn fwriadol



RESPONSIBLE AUTHORITY RESPONSE TO LICENSING APPLICATIONS

RESPONSIBLE AUTHORITY– Licensing

Name of Applicant	Euro Garages Ltd
Premises	Asda Express PFS Chequered Flag, Newport Road, Trethomas CF83 8GB

Your Name	Sandra Lewis-Williams
Job Title	Assistant Licensing Manager
e.mail Address	Lewiss1@caerphilly.gov.uk
Contact Telephone Number	01443 866750
Date	21/05/2024

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

<p>Please outline the reasons for your Representations</p> <p>An application has been submitted for a new premises licence, the applicant has initially applied for off sale and supply of alcohol 24 hours and late night refreshment 23.00 – 05.00.</p> <p>During the application period the applicant has agreed to a mediated position with Gwent Police which has included an additional condition regarding the keeping of an incident / refusal book (or electronic record), no customers to be permitted to enter the premises between the hours of 2200 and 0600 (all sales through a night hatch) and the provision of late night refreshment shall be limited to hot drinks only.</p> <p>The Licensing Authority acting in its capacity of Responsible Authority support these additional conditions</p> <p>Further to representations received from local members and residence by way of mediation the applicant proposed that the hours for the sale of alcohol would be brought back to 06.00 to midnight.</p>
--

Based on that proposal and the other agreed conditions the Licensing Authority would have no objection to the licence being granted.

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

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

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

From: [WWW: Licensing](#)
To: [Hopkins, Kathryn](#)
Subject: FW: Chequered Flag Garage Trethomas
Date: 15 May 2024 08:30:47
Attachments: [Chequered Flag petition Trethomas.pdf](#)

From: clarecannon
Sent: Wednesday, May 15, 2024 8:17 AM
To: WWW: Licensing <licensing@caerphilly.gov.uk>
Subject: Chequered Flag Garage Trethomas

You don't often get email from [clarecannon](#) [Learn why this is important](#)

Good morning,

I have attached a signed letter regarding the proposal for a 24 hr licensing application.

Myself and my family were horrified at the news of this proposal.

I have lived in Lower Graig Y Rhacca for over 25 yrs - namely Ridgeway - the main road going through the estate.

During my early years here the problems we had when the garage sold alcohol was awful.

Many a morning especially weekends we would end up with empty cans and bottles in your garden, on the cars.

This combined with anti social behaviour was a nightmare and quite frightening at times - people setting fire to paper on top of the cars as they walked through etc.

Coincidentally this ceased when the garage stopped serving alcohol. This combined with the lane being upgraded next to the garage helped, but unfortunately not for the people living next to the lane where fires are still be lit on their fences etc.

I walk my dogs around *****in the woods behind the garage. Only last week the stream near the garage end was littered with empty cans - I can send photos if you want; this will only get worse as before. A few months ago we encountered a drunk in the woods by the stream who swung for my husband for no reason, he did not land a punch as he was so drunk he fell over himself, but again this will be worse with 24 hr opening.

There is a Tesco a couple of hundred yards up the road which is open until 11 - surely this is sufficient. Why would you sell alcohol in a garage - cars and alcohol do not mix and I can assure you on a Friday/Saturday night someone will be having a party in the vicinity and will no doubt get in their car and drive to the garage when they run out of alcohol.

The thought of 24 hr opening is causing me anxiety and my fellow neighbours. I have no problem with alcohol - but let a garage by you sell it when you live by a known drug/alcohol area and see if you would be happy for it to be there. Our estate is flourishing with lots of people with small children moving here. This is my worst nightmare, I could not let my children out years ago with the problems around.

Kind regards

Clare Cannon

Tim Cannon

Megan Cannon

Gethyn Cannon

Machen, Caerphilly, CF83 8RD

From: [REDACTED]
To: [Hopkins, Kathryn](#)
Subject: Re: New Premises Licence application - ASDA Express, Trethomas
Date: 16 May 2024 15:06:01

You don't often get email from valerie.davies10@btinternet.com. [Learn why this is important](#)

Dear Kathryn

Many thanks for getting back to me regarding the New Premises Licence Application at the Asda Express, Trethomas.

I was extremely concerned when I learned and read about this application.

I've just searched on line and found the date of 2016 when Euro Garages took over the Chequered Flag, Trethomas. It was at this time the sale of alcohol ceased at this garage. It was a big relief to everyone living on the Lower Graig y Rhacca Estate (and beyond). Life became more civilised and peaceful.

Prior to this there had been a number of night time raids. A now deceased friend of mine worked night shifts there and sustained injuries in one of these incidents. What will be put in place to ensure the safety of employees and possibly customers when such incidents occur? There was a big drop in income when alcohol sales ceased. Should the application be approved no doubt the increased sales and subsequent income could attract anti social behaviour and the like again. How is the applicant going to prevent such incidents occurring and what safeguards will be put in place to ensure the safety of the general public and staff alike?

Redbrook Lane goes from the A468 parallel to Ridgeway, through the lovely woods and on through to Upper Graig y Rhacca. The entrance is barred off close to the A468 to prevent unauthorised vehicles accessing the lane. Males of all ages would congregate at the barred off entrance to this lane morning, noon or night drinking and smoking. I felt it very intimidated when walking past. This lane forms part of Sustrans Cycle Route 4 and is used extensively by families and cyclists from all over wales. The litter problem along this lane and in the woods was a nightmare. The council's budget no longer stretches to regular litter clearing and so this will again become a major issue. Broken glass, cans, paper - you name it and it was there. Make shift camping sites.. etc... Who is going to stop them creating this nuisance and public health hazard? And who is going to be responsible for keeping the paths and woods in its natural state?

I met with out local police officers last week expressing my views and they assured me they would object to this application.

Why does the law allow petrol stations to sell alcoholic products. Maybe something the government needs to address?

The local newsagent/post office and Tesco sell alcohol sufficient to supply those who need it. I don't honestly see the need for another outlet in such close proximity. Three outlets within a 500 metre area. It's asking for trouble.

This is all about profit not working with and benefitting the community. It's the community that will suffer in the end should this application be approved.

I hope the above, together with my comments yesterday, will allow my concerns to be considered an objection.

I look forward to hearing from you.

Kind regards

Valerie Davies

Sent from my iPad

On 9 May 2024, at 12:53, Hopkins, Kathryn <HOPKIK1@caerphilly.gov.uk> wrote:

Dear Valerie,

**Re: Licensing Act 2003 – New Premises Licence application
Premise – ASDA Express, Trethomas**

I refer to your email below in which you have raised concerns regarding an application for a new premises licence.

I note your objection has been received within the representation period. However, in order that I can accept your comments as relevant representations, I would ask that you expand upon these concerns in relation to the promotion of the licensing objectives before the representation ends on 22nd May 2024.

The four licensing objectives are as follows: -

- <!--[if !supportLists]-->• <!--[endif]-->Prevention of crime and disorder
- <!--[if !supportLists]-->• <!--[endif]-->Prevention of public nuisance
- <!--[if !supportLists]-->• <!--[endif]-->Public safety
- <!--[if !supportLists]-->• <!--[endif]-->Protection of children from harm.

Please be advised, once relevant representations have been accepted, a hearing will be held to which all parties will be invited to make representations. A copy of your representation will be forwarded to the applicant so that they are aware of the extent of your views and the representations that you make.

Should you have any queries concerning the above, please contact the Licensing Section on 01443 866750.

Regards
Kathryn

From: DONOTREPLY@caerphilly.gov.uk <DONOTREPLY@caerphilly.gov.uk>

Sent: Wednesday, May 8, 2024 4:30 PM

To: WWW: Licensing <licensing@caerphilly.gov.uk>

Subject: Website Contact --- Licensing and permits

Name -

valerie davies

Email Address -

[REDACTED]

Phone Number -

[REDACTED]

Date Submitted -

08/05/2024 16:28:22

Message -

I wish to object to the following licence application. Euro Garages Ltd Address of Premises or Club Premises ASDA Express Newport Road Trethomas Caerphilly CF83 8GB I wish to object to the application for a new premises licence for the above business. I am 74 years of age, collect my local paper every day from said garage and use the public footpath alongside the garage to walk home. When there was a previous licence there used to be unsavoury characters lurking in these woods. I often felt vulnerable. I fail to understand how a petrol station can be allowed to sell alcohol given the drink/driving legislation in place. Trethomas has Tesco and a Post Office who already sell alcohol, sufficient enough for those who need to get hold of it. Refusing a licence will ensure the prevention of crime and disorder, ensure public safety, prevent public nuisance and protect vulnerable people, i.e. elderly and children. Sustrans Cycle Route 4 used by families and children have users who frequent the garage. I fail to see what benefit the granting of such a licence would provide. Please take my points into consideration and DO NOT GRANT this application. I look forward to your comments.

Reference -

NB This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.

#####

Mae'r e-bost hwn ac unrhyw ffeiliau sy'n atodol yn gyfrinachol a dim ond ar gyfer defnydd yr unigolyn neu'r sefydliad y cyfeiriwyd atynt. Os ydych wedi derbyn yr e-bost hwn ar gam rhochwyd wybod i reolwr eich system. Nodwch fod unrhyw sylwadau neu farn o fewn testun yr e-bost yw sylwadau a barn yr awdur yn unig ac nid yn angenrheidiol yn cynrychioli barn Cyngor Bwrdeistref Sirol Caerffili. I orffen, dylai'r person sy'n derbyn yr e-bost sicrhau nad oes firws ynghlwm nac mewn unrhyw ddogfen atodol i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddi-frod achoswyd gan unrhyw firws sy'n cael ei drosglwyddo gan yr e-

From: DONOTREPLY@caerphilly.gov.uk
To: [WWW: Licensing](#)
Subject: Website Contact --- Licensing and permits
Date: 29 April 2024 16:51:03

Name -

Cllr Chris Morgan CCBC

Email Address -

[REDACTED]

Phone Number -

[REDACTED]

Date Submitted -

29/04/2024 16:49:36

Message -

I would like to object to the application for an alcohol and hot food license for the chequered Flag garage in Trethomas. When the previous proprietors held a licence the local woodland and cycle track were blighted by discarded cans and bottles. Anti Social behaviour also took place through the thoroughfare of Lower Graig y Rhacca where residents lawns were also blighted by discarded bottles. Euro Garages have a poor record at this site for leaving bins full of rubbish and open bins blowing debris into the woods and into site fencing. They claim their staff clean the site, but in reality there is insufficient time for their staff to clean up so the bins remain full. The hot food license request will also cause problems and cause groups of people and vehicles to hang around in this area throughout the night causing disturbance.

Reference -

NB This is an automated email sent to inform you of a contact made via the website. Please do not reply to this email.

From: [Cllr. Morgan, Chris](#)
To: [Hopkins, Kathryn](#)
Subject: 24 hr alcohol license Asda
Date: 09 May 2024 09:52:15

Good morning Kathryn

Re. Asda application for 24 hour alcohol license at Chequered flag garage, Trethomas.

Further to my objection to this application I have been speaking to residents on the Lower GYR estate who are most affected by the implementation of this license.

Residents concerned mostly reside on Ridgeway and endured many years of late night anti social behaviour when this facility last had a drinks licence.

Examples being empty cans and bottles discarded in gardens, urination in the street against garden bushes etc, and loud noise at night and in the early hours.

Another big issue was with the Redbrook Woodlands, where during the summer period became party central for noisy groups of people after purchasing drink from the garage, our group had to deal with the debris in the woods, a site of natural beauty and habitat. Since Euro Garages took over the site and got rid of the alcohol license the area has been cleaner and a lot less anti social behaviour.

Saying that, the garage itself since installing the Greggs facility has become dirtier and littered with food debris.

The bins are always full and staff have little time to keep the area clean, this has led to complaints to myself and environmental health.

Residents feel the food license along with alcohol throughout the night will be a recipe for disaster on our local environment.

Taking all the above info to mind, I feel residents would be more amenable with a reduced timeframe on the license rather than 24hours as they do not wish to restrict this business from operating as long as the business proprietor takes their concerns into account.

Regular litter picks on site and better bins would help.

Sincerely

Cllr Chris Morgan
Machen and Rudry Ward

Sent from [Outlook for iOS](#)

Licencing Section
 Caerphilly County Borough Council
 Penalta House



Tredomen Park
 Ystrad Mynach
 Hengoed
 CF82 8PG

26th April 2024

Dear Sir/Madam,

As a resident of Lower Graig-Y-Rhacca I would like to object to the below licencing application -

Euro Garages Limited

Address of Premises or Club Premises

Asda Express PFS Chequered Flag, Newport Road, Trethomas, Caerphilly, CF83 8GB

Type of Application New Premises Licence

Proposed Licensable Activities or Qualifying Club Activities

Supply of Alcohol from Monday to Sunday between the hours of 00.00 - 24.00 Late

Night Refreshments from Monday to Sunday between the hours of 23.00- 05.00

Since the garage previously stopped selling alcohol then on the adjoining Lower GYR estate there has been a significant reduction in crime and disorder, a reduction in public safety incidents and a reduction of public nuisance and ASBO along with a reduction in alcohol cans littered throughout the surrounding areas.

I believe these representations will breach three of the four licencing objectives.

The estate demographic is largely elderly residents and families with young children and we do not want instances of harm to children and ASBO and littering reintroduced to the estate and surrounding areas. There is also a Sustrans Cycle Route 4 running alongside the garage frequently used by children and families.

There is already a perfectly acceptable licenced premises at the Tesco Express store some 500m away which sells alcohol until 11pm 7 days a week.

Regards

Name -

Name

Email -

Email

Telephone Number -

Telephone Number -

A copy of objection by email

Dear Sir/Madam, As a resident of Lower Graig-Y-Rhacca I would like to object to the below licencing application - Euro Garages Limited Address of Premises or Club Premises Asda Express PFS Chequered Flag, Newport Road, Trethomas, Caerphilly, CF83 8GB Type of Application New Premises Licence Proposed Licensable Activities or Qualifying Club Activities Supply of Alcohol from Monday to Sunday between the hours of 00.00 – 24.00 Late Night Refreshments from Monday to Sunday between the hours of 23.00 – 05.00 Since the garage previously stopped selling alcohol then on the adjoining Lower GYR estate there has been a significant reduction in crime and disorder, a reduction in public safety incidents and a reduction of public nuisance and ASBO along with a reduction in alcohol cans littered throughout the surrounding areas. I believe these representations will breach three of the four licencing objectives. The estate demographic is largely elderly residents and families with young children and we do not want instances of harm to children and ASBO and littering reintroduced to the estate and surrounding areas. There is also a Sustrans Cycle Route 4 running alongside the garage frequently used by children and families. There is already a perfectly acceptable licenced premises at the Tesco Express store some 500m away which sells alcohol until 11pm 7 days a week.

List of persons objecting to application

	Name	Date Received
1.	Cllr Chris Morgan	30/04/2024
2.	Dan & M Thomas	09/05/2024
3.	Allison Bown & Matt Brown	13/05/2024
4.	Elizabeth Pritchard	21/05/2024
5.	Frank Hugglestone & Barbara Hugglestone	13/05/2024
6.	Gill Howells &	09/05/2024
7.	Linda Lewis & Wayne Lewis	13/05/2024
8.	Maldwyn Sweet	10/05/2024
9.	Maria Cook	09/05/2024
10.	Mark Woolley & Marilyn Woolley	10/05/2024
11.	Mike James & Angela James	13/05/2024
12.	Mr Glwyndwr Gough & Mrs Angela Gough	09/05/2024
13.	N Burris & H Burris	13/05/2024
14.	Sarah Howells & Ian Howells	10/05/2024
15.	Valerie Davies	10/05/2024
16.	Emma Hodgson & Mark Hodgson	14/05/2024
17.	Linda Davies	14/05/2024

18.	Clare Cannon & Tim Cannon	15/05/2024
19.	Bedwas, Trethomas & Machen Community Council Clerk - Ann Butler	15/05/2024
20.	M Mckenzie & F Mckenzie	16/05/2024
21.	Christine Lewis & John Lewis	21/05/2024
22.	Jon Gough	21/05/2024
23.	Ken Herdman	21/05/2024
24.	Clare Gough	21/05/2024
25.	Josh Gough	21/05/2024
26.	Caleb Gough	21/05/2024
27.	Ray Thomas	21/05/2024
28.	Pam Herdman	21/05/2024
29.	Chris Carter	21/05/2024
30.	Joanne Sollis	21/05/2024
31.	Ceri Carter	21/05/2024
32.	A E Moore	21/05/2024
33.	Amelia Jukes	21/05/2024
34.	Edward Gwynne	21/05/2024
35.	John Davies	21/05/2024
36.	Rita Minty	21/05/2024
37.	Chris Jenkins	21/05/2024
38.	Angela Thomas	21/05/2024
39.	Susan Jenkins	21/05/2024
40.	D Painton	21/05/2024
41.	Lois Jones	21/05/2024
42.	Andrew Jones	21/05/2024
43.	RH Morris	21/05/2024
44.	Becky Corfield	21/05/2024
45.	Heather Shrubsole	21/05/2024
46.	Rosemary Saunders	21/05/2024

47.	Eirlys Gravelle	21/05/2024
48.	Avril Dickinson	21/05/2024
49.	G Palmer	21/05/2024
50.	Tracy Dickinson	21/05/2024
51.	J Coleman	21/05/2024
52.	S Coleman	21/05/2024
53.	Carole Sullivan	21/05/2024
54.	Roy Sullivan	21/05/2024
55.	Lucy Thomas	21/05/2024
56.	Matthew Rowe	21/05/2024
57.	C A Greenhaf	21/05/2024
58.	Richard Lomas	21/05/2024
59.	Carol Lomas	21/05/2024
60.	Joan Moggridge	21/05/2024
61.	A Thomas	21/05/2024
62.	Helen Thomas	21/05/2024
63.	Alan Thomas	21/05/2024
64.	R Thomas	21/05/2024
65.	Cllr Kevin Ingram	21/05/2024
66.	Rebecca Edwards	21/05/2024
67.	Ashley Edwards	21/05/2024
68.	Aneta Bester	21/05/2024
69.	Rose Cheeseman	21/05/2024
70.	R Owen	21/05/2024
71.	B Owen	21/05/2024
72.	Lisa Bassett	21/05/2024
73.	Sandra Workman	21/05/2024
74.	Mike Workman	21/05/2024
75.	G Pascoe	21/05/2024

76.	C Jones	21/05/2024
78.	Phil J Jones	21/05/2024
79.	Phil Jones	21/05/2024
80.	Nikki Morris	21/05/2024
81.	Phil Hoskins	21/05/2024
82.	Linda Hoskins	21/05/2024
83.	Anne Reclay	21/05/2024
84.	Anthony Downey	21/05/2024
85.	Bruce Riley	21/05/2024
86.	B Richards	21/05/2024
87.	M P Richards	21/05/2024
88.	Karen Downey	21/05/2024
89.	E Williams	21/05/2024
90.	L Williams	21/05/2024
91.	Chris Pascoe	21/05/2024
92.	Wendy Davies	21/05/2024
93.	J Rudall	21/05/2024
94.	Andreea Stointudor	21/05/2024
95.	Terry Fountain	21/05/2024
96.	Lorraine Bull	21/05/2024
97.	Rachel Newman	21/05/2024
98.	Kerrie Hutchings	21/05/2024
99.	Elizabeth Bull	21/05/2024
100.	Keith Pritchard	21/05/2024
101.	Sian Davies	23/05/2024
102.	D Greenhaf	21/05/2024
103.	Nikki Morris	21/05/2024

Police

1. An incident/refusals book/electronic record shall be kept at the premises, in which details of crime and/or disorder relating to the premises shall be recorded. This log shall contain the following details;

- i. Time, date and location of incident/refusals.
- ii. Nature of the Incident/refusal.
- iii. Names, addresses and contact details of persons involved.
- iv. Result of the incident/refusals.
- v. Action taken to prevent further such incidents.
- vi. Each entry signed/reviewed by the DPS or other responsible person employed at the premises and so authorised by the DPS; and the incident/refusals book/electronic record will be retained for a period of no less than 12 months and made available to the Police for inspection upon request

2. No customers will be permitted to enter the premises between the hours of 2200 and 0600. All sales during that period will take place through the night hatch.

3. The provision of late-night refreshment will be limited to hot drinks only.

EHO

4. The licence holder shall ensure that adequate measures are in place to remove litter or waste arising from customers and to prevent such litter from accumulating in the immediate vicinity of their premises. In particular, provision of sufficient receptacles for the depositing of waste materials such as food wrappings, drinks containers, smoking related litter etc, by customers.

5. Waste collection activities shall only take place between 08.00 and 22.00 hours

6. All external lighting levels shall be suitably controlled so as not to cause a nuisance.

APPLICANT

7. Staff shall be trained in the premises licence holder's procedures which include liquor licensing and all checkout operators shall have additional training in the sale of alcohol.

8. All spirits will be displayed behind the counter.

9. No miniature bottles of spirits of 20cl or below shall be sold from the premises. Please note this does not apply to prepackaged gift packs which may contain a spirit miniature.

10. A CCTV system will be installed and maintained at the premises. Cameras will cover internal areas and the external area immediately in front of the store. The system will be capable of continuously recording and copies of such recordings shall be kept for a period of not less than 31 days and handed to the Police or authorised person upon production of a compliant 'Access Request'.

11. The premise licence holder seeks to comply with the requirements of the health and safety legislation.

12. The store will have a till prompt system for alcohol products. When prompted, staff will adopt a Challenge 25 proof of age scheme. Only recognised forms of photographic identification such as Passport, Photo Driving Licence, 'Proof of Age' card, Military ID or any other form of identification agreed with the police will be accepted as proof of age. If the appropriate proof of age is not produced there will be no sale.

13. Notices are to be prominently displayed advising customers of the Challenge 25 policy.