



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

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

**REPORT BY: LEE MORGAN LICENSING MANAGER**

### 1. Application Details -

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

#### 1.1 Application for Variation of Premises Licence

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

#### 1.2 Site Plan/Photographs

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

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

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

#### 1.3 Proposed Trading Times and Licensable Activity

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

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

**Sunday 10.00-23.30 hours**

**Monday to Thursday 09.00-00.00 hours**

**Friday & Saturday 09.00-04.00 hours**

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

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

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

### **1.3.1 Existing Permissions**

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

**Monday to Sunday 11.00-23.00 hours**

### **1.3.2 Existing Conditions**

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

2. CCTV shall be in use at the premises.

Where a CCTV system is to be installed, extended or replaced, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police. No licensable activities shall be provided in the premises until the CCTV system is installed

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

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

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

(iv) If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the designated premises supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in an

incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified;

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

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

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

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

4. Staff shall be vigilant in preventing adults buying alcohol on behalf of persons who are under 18 and will refuse such sales where they suspect that this may be about to occur.

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

Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 1.4 **RELEVANT CONSIDERATIONS**

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

National Guidance **Appendix 5**

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

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

###### **Police**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

## **1.7 APPLICANT RESPONSE**

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

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

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

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

## 1.8 **LICENSING ASSESSMENT**

The Licensing Assessment is a provisional summary, based on representations received prior to the hearing. The Head of Public Protection, Community and Leisure Services reserves the right to amend or vary the provisions contained in the summary and recommendation, subject to any change in the material facts that become known at the hearing. The Sub-Committee is obliged to determine this application with a view to promoting the licensing objectives which are:

- The prevention of crime and disorder.
- Public safety.
- The prevention of public nuisance.
- The protection of children from harm

In making its decision, the Sub Committee is obliged to have regard to: -

- Licensing Act 2003
- Statutory Guidance issued under S182 of the Licensing Act
- The Council's own licensing policy, and
- All representations made and evidence presented.

NOTE: The Sub-Committee may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. Any such actions must be necessary in order to promote the licensing objectives.

Statutory Power - Licensing Act 2003. This is a Council function which is delegated to this committee to decide.

## 1.9 **OBSERVATIONS**

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

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

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

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

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

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

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

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

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

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

In relation to Licence hours, the Home Office Section 182 Guidance provides the following advice at paragraph 10.14 and states '*Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.*'

Furthermore, at paragraph 14.51 the following guidance is provided which states '*With regard to licensing hours, the Government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives*

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

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

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

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

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

Further Guidance is offered to Members at paragraph 5.6 of the Council's Statement of Licensing policy which states '*Once an application, or an existing licence in the case of a review, is referred to a Sub-Committee it can be expected that the Sub-Committee will scrutinise the application or licence very carefully and arrive at a decision regarding hours. Appropriate hours will be considered to promote the licensing objectives and may even result in the refusal of the application or the revocation of a licence.'*

Paragraph 5.3 of Council's Statement of Licensing policy states '*When dealing with licensing hours, the Licensing Authority recognises the requirement that each application will be dealt with on its individual merits. Nonetheless, whilst the Licensing Authority does not wish to unduly inhibit the continuing development of a thriving and safe evening and night-time local economies which are important for investment and employment locally. The Authority considers that it is vital to create an appropriate balance between the economic needs of licensed premises and the rights of local residents to be able to enjoy a reasonable degree of peace and quiet at noise-sensitive times and other persons not experience early fall out of the night-time economy.....'*

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

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

## 1.10 **RECOMMENDATION**

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

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

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

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

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

Background Papers:

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

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

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

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