



LICENSING AND GAMBLING SUB COMMITTEE – 24TH JUNE 2021

SUBJECT: DETERMINATION OF PREMISES LICENCE APPLICATION

REPORT BY: LEE MORGAN LICENSING MANAGER

1. Application Details –

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Mr Nirojan Thavarasa	NNN 23 Shingrig Road, Nelson, CF46 6DY	Grant of Premises licence

1.1 Application for Grant of a New Premises Licence

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

1.2 Site Plan/Photographs

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

A location plan of the area is reproduced as **Appendix 2**

1.3 Proposed Trading Times and Licensable Activity

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

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

Monday – Saturday 08.00 – 22.00
Sunday 09.00 – 22.00

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

I will ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the license and for preventing crime and disorder. I shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

We will have a proof of age policy All instances of crime and disorder will be reported to the Police as soon as reasonably practicable via C.C.T.V. I will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises which will suitable to export method, e. G. CD/DVD writer so that the police can make an evidential copy of the data they require.

All emergency exits shall be kept free from obstruction at all times. Appropriate fire safety procedures will be in place including fire extinguishers (foam, H2O and CO2), fire exit signs and smoke detectors. All appliances will be inspected annually.

All customers will be asked to leave quietly. Clear and legible notices will be prominently given to remind customers to leave quietly and have regard to our neighbours.

I and my staffs will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer. A register of refused sales shall be kept and maintained on the premises.

1.4 RELEVANT CONSIDERATIONS

Caerphilly County Borough Council Licensing Policy **Appendix 3**

National Guidance **Appendix 4**

1.5 RELEVANT REPRESENTATIONS RECEIVED DURING APPLICATION PROCESS

1.5.1 Responsible Authorities:

There were no Representation comments received from the Fire & Rescue Service, Environmental Health Pollution Team and Environmental Health (Health & Safety) Team and Trading Standards.

Police

Document	Date Received	Appendix Reference
Initial representation	18/5/2021	Appendix 5

Child Protection Officer

Document	Date Received	Appendix Reference
Initial representation	10/5/2021	Appendix 6

Licensing Authority

Document	Date Received	Appendix Reference
Initial representation	20/5/2021	Appendix 7

1.5.2 Other Persons:

Residents/Other Person

Document	Date Received	Appendix Reference
Representation & Supplementary Comments	25/5/2021	Appendix 8

1.6 SUMMARY OF REPRESENTATIONS

Heddlu Gwent Police have made no objection to the application and have advocated conditions in relation to the provision of CCTV at the premises, furthermore implementation of the Challenge 25 proof of age scheme, a documented training requirement for staff in relation to underage sales and safeguarding and an incident report log book. The applicant would also be expected to limit customers from loitering from in front of the shop.

The Child Protection Officer has not objected to the application and has advocated conditions in relation to Challenge 25 proof of age scheme and a documented staff training requirement in relation to underage sales.

The Licensing Authority in its role as a responsible authority has indicated that it has no objection and supports the proposals submitted by the Police.

One resident objection was received which detailed concerns in respect of public safety and impact on lack of parking and double yellow lines outside the premises which is a main arterial route. Reference is made to the increase in noise from customer and gatherings of youths and potential for disturbance and litter. Comment is expressed about there being a number of similar premises already within the village.

1.7 APPLICANT RESPONSE

Document	Date Received	Appendix Reference
Response to Resident	27/5/2021	Appendix 9

The applicant has responded in an attempt to allay resident concerns in relation to parking, gatherings by youths and antisocial behaviour referencing that the premises will have CCTV and detailing that the premises would be used as their home as well as their place of business. The applicant has agreed to the conditions proposed by the Police and Child Protection Officer.

1.8 LICENSING ASSESSMENT

THE LICENSING ASSESSMENT IS A PROVISIONAL SUMMARY, BASED ON REPRESENTATIONS RECEIVED PRIOR TO THE HEARING. THE HEAD OF PUBLIC PROTECTION, COMMUNITY AND LEISURE SERVICES RESERVES THE RIGHT TO AMEND OR VARY THE PROVISIONS CONTAINED IN THE SUMMARY AND RECOMMENDATION, SUBJECT TO ANY CHANGE IN THE MATERIAL FACTS THAT BECOME KNOWN AT THE HEARING. THE SUB-COMMITTEE IS OBLIGED TO DETERMINE THIS APPLICATION WITH A VIEW TO PROMOTING THE LICENSING OBJECTIVES WHICH ARE:

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

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

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

NOTE: THE SUB-COMMITTEE MAY NOT MODIFY THE CONDITIONS OR REJECT THE WHOLE OR PART OF THE APPLICATION MERELY BECAUSE IT CONSIDERS IT DESIRABLE TO DO SO. ANY SUCH ACTIONS MUST BE NECESSARY IN ORDER TO PROMOTE THE LICENSING OBJECTIVES.

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

1.9 OBSERVATIONS

This application relates to the granting of a new premises licence in respect the sale of alcohol at a proposed off licence, NNN located at Shingrig Road, Nelson.

A number of Responsible Authorities (RA'S) namely Fire & Rescue, Environmental Health (Pollution & Health and Safety) teams and Trading Standards have responded to indicate that they have no representations in respect of the application.

Gwent Police, the Child Protection Officer and licensing authority acting in its role as a responsible authority have advocated the imposition of conditions as opposed to objection to the application.

The Responsible Authorities therefore appear satisfied in this instance that the applicant, assisted by conditions can adequately promote the licensing objectives.

During the 28 Day consultation, one resident objection has been received expressing concerns about the granting of an alcohol licence. The concerns of the local resident whilst understandable however appear to be largely anticipatory in nature about the potential for increased levels of antisocial behaviour or issues which could arise, should a licence be granted for this premises. One of these issues relates to parking and the parking restrictions immediately outside the premises. Parking would not normally be a consideration for Members of the Sub Licensing Committee.

The resident references the number of existing premises in the area already, however it should be noted that 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.

The resident has been contacted in relation to their representations and has indicated that they would like to maintain their objection but do not intend to attend the sub-committee meeting that is scheduled to determine the application.

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

1.10 RECOMMENDATION

Having had regard to and considered the position of the Responsible Authorities of which three have advocated conditions as opposed to any objection and also the comments of the local resident, it is recommended that the application to permit the sale of alcohol for off sales, between the hours of 08.00 to 22.00 Monday to Saturday and 09.00 to 22.00 on Sunday **be granted** subject to the following agreed conditions namely:-

1. 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. Where a CCTV system is to be installed, it shall be fully operational by the date the licence is granted.

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. 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;

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

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

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

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

2. There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises.
3. Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity.
4. An incident report logbook shall be held at the premises at all times 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 final outcome of the situation. Records to be maintained for a minimum of 12 months.
5. All staff are to be trained with respect to underage sales, such training to be updated on an annual basis or when legislation changes and should include training in how to refuse sales to difficult customers. Safeguarding training should also be undertaken with all staff. Training should be clearly documented, signed and dated by both the trainer and member of staff receiving it. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable.
6. An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 25' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.
7. Rowdy and/or disorderly customers will be asked to leave the premises.

Links to Background Papers:

[Statutory Guidance issued under S182 of the Licensing Act](#)
[Caerphilly CBC Statement of Licensing Policy](#)

Date of this report: 11th June 2021

Author: Lee Morgan – Licensing Manager Tel: 01443 866750