



**LICENSING AND GAMBLING SUB COMMITTEE  
- 13<sup>TH</sup> FEBRUARY 2025**

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

**REPORT BY: LEE MORGAN – LICENSING MANAGER**

**1. Application Details –**

<u>Applicant</u>	<u>Premises</u>	<u>Application Type</u>
Amar Khehra	8 Till Late / General Store 192 Bedwas Road Caerphilly CF83 3AU	Variation of a premises licence

**1.1 Application to Vary a Premises Licence**

On 23<sup>rd</sup> December 2024, an application for the variation of an existing premises licence issued under the Licensing Act 2003 was made in respect of the above-mentioned premise. The proposed application for consideration is set out in 1.3 of this report.

**Brief History / Background**

The premise licence at 192 Bedwas Road, Caerphilly was approved on 24 November 2005. The applicant initially applied to sell alcohol between the hours of 08:00 – 23:00 Monday to Saturday and 10.00 – 22.30 on a Sunday.

**1.2 Current Trading Times and Licensable Activity**

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

Monday to Saturday inclusive 08:00 – 23:00  
Sunday 10:00 – 22:30

A copy of the current Premise Licence (PRM111) which contains the licensable area Plan is reproduced as **Appendix 1**.

### **1.3 Proposed variation to Trading Times and Licensable Activity**

The application for the variation of a Premises Licence seeks to permit the following Licensable Activities: -

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

Monday to Sunday inclusive, 08:00 – 00:00

The application seeks to increase the sale of alcohol permitted times, this is an additional 2 hours on a Sunday morning and an extra 1 hour at night Monday to Sunday.

The applicant has also submitted a new premises plan showing revised layout of the premises.

### **1.4 Site Plan/Photographs**

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

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

Images of the premise are reproduced for Members information as **Appendix 3**.

### **1.5 Other Licensed Premises in the Vicinity/Trading Times**

A list of licensed premises in proximity to 8 Till Late General Store, authorised to sell alcohol and their permitted hours is reproduced for Members information as **Appendix 4**.

### **1.6 Operating Schedule**

The applicant has outlined their current premises licence conditions in support of their application. These are reproduced directly from the application below

- Ensure staff trained on policies and procedures
- Provision of external lighting and external cctv
- Accommodating police with cctv
- Monitoring of display areas
- Providing conflict management training for staff
- Ensuring clear and accurate signage in premises
- Ensuring where possible a personal licence holder is present on the premises
- Taking a proactive and risk-based approach to public nuisance
- Being mindful of location of the premises, hours of operation

- Participating in communication to resolve any issues that may arise and complying with conditions on premises licence
- Till prompt system to assist staff by reminding staff to challenge for I.D
- Staff training to document all attempted underage sales
- Operate a challenge 25 procedure
- Staff trained to differentiate between real and fake I.D.

## 1.7 **RELEVANT CONSIDERATIONS**

Caerphilly County Borough Council Licensing Policy **Appendix 5**

National Guidance **Appendix 6**

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

Representations may be made for or against an application during the consultation period. To be 'relevant' and, therefore, able to be taken into account in determining the application, they must be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives. Where representations are made by persons who are not a responsible authority, they must not be frivolous or vexatious.

Relevant representations have been received in respect of this application and so it must be determined by a Licensing Sub Committee.

### 1.8.1 Responsible Authorities:

#### **Police**

Document	Date Received	Appendix Reference
<b>Representation</b>	<b>17/01/2025</b>	<b>Appendix 7</b>

#### **Environmental Health (Pollution Team)**

Document	Date Received	Appendix Reference
<b>Representation</b>	<b>20/10/2025</b>	<b>Appendix 8</b>

#### **Licensing Authority (In its role as Responsible Authority)**

Document	Date Received	Appendix Reference
<b>Representation</b>	<b>20/01/2025</b>	<b>Appendix 9</b>

#### **Child Protection**

Document	Date Received	Appendix Reference
<b>Representation</b>	<b>20/01/2025</b>	<b>Appendix 10</b>

## Trading Standards

Document	Date Received	Appendix Reference
<b>Representation</b>	<b>20/01/2025</b>	<b>Appendix 11</b>

Fire Service and Environmental Health (Health and Safety) as a responsible authority have indicated that they have no representations in respect of the application.

There were no resident representations received in respect of the application.

### 1.9 SUMMARY OF REPRESENTATIONS

#### Heddlu Gwent Police

Heddlu Gwent Police note the comments submitted by the Applicant as part of the variation application. The Police have not objected to the additional hours sought but have proposed conditions (should additional hours be approved)

The police response detailed at **Appendix 7** request a rewording of the proposals submitted by the Applicant in including a CCTV requirement in place at the premises, staff training, the keeping of an incident / refusals log and use of the Challenge 25 Proof of age scheme.

#### Environmental Health - Noise Pollution

Environmental Health Pollution Officer raised her significant concerns regarding the wider impact the additional hours for the supply of alcohol may have upon nearby residents and the local area.

The Officer detailed at **Appendix 8** that the premises was located in a predominantly residential area flanked on both sides by domestic properties along Bedwas Road with a green open space opposite and Lansbury Park Estate a short distance beyond. The Officer noted that there was a new Housing development for 31 affordable homes currently under construction directly behind the 8 Till Late store.

Concern is raised as to the potential impact the proposed extended hours of alcohol sales may have on local residents and the local area. Comment is expressed that the applicant has provided very little information 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 extended hours for alcohol sales may have upon the prevention of public nuisance to nearby residents and the local community.

The Environmental Health Officer details an objection to the application as it is considered the proposed extension to the supply of alcohol after 23:00hrs, could undermine the Prevention of Public Nuisance Licensing Objective. In addition to a proposed curtailment of hours to 23:00, the Officer also proposed measures concerning provision of waste receptacles and timing of removal of waste and prevention of light pollution.

### **Licensing Authority (In its role as a Responsible Authority)**

The Licensing Authority Officer in their role as a Responsible Authority noted the submission of a revised premises plan showing the new store layout. The Officer details that a joint visit was undertaken to the premises with the Police, and it was believed that the application was submitted following a recent complaint made about the premises in respect to exceeding its permitted hours for the sale of alcohol.

During the joint visit, it was noted that the signage on the front of the store indicated that the premises was open from 08:00 to 00:00. (However as opening hours are not licensable, they would be permitted to do so)

Reference was made to the Section 182 Home Office Guidance which stated 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.

The Officer concluded that there was agreement with the proposed conditions suggested by Heddlu Gwent Police.

### **Child Protection Officer**

The Child Protection Officer having considered the application advocated conditions in respect of staff training and the use and display of signage in respect of the Challenge 25 Proof of age scheme.

### **Trading Standards Officer**

The Trading Standards Officer details her support of the Heddlu Gwent Police representations.

## **1.10 APPLICANT RESPONSE**

The applicant responded to representations made by the Responsible Authorities and has accepted all conditions proposed but does not agree with the hours suggested i.e. 23:00 by the Environmental Health Pollution Team Officer. The Applicant responses are reproduced at **Appendix 12 to Appendix 12b**.

## **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 variation application seeks to increase the permitted sale of alcohol provision making alcohol available from 08:00 to 00:00 Monday to Sunday, whereas the current permitted hours only permit the sale of alcohol between 08:00 to 23:00 Monday to Saturday and Sunday 10:00 to 22:30. Essentially, this is an extra hour Monday to Saturday and an extra 3½ hours on Sunday. The applicant also submitted a plan showing the revised layout of the premises. Members will be aware that the premises plan forms part of the premises licence.

During the 28-day consultation period on the variation application, an objection was received from the Environmental Health - Pollution Team in relation to the proposed increased sale of alcohol hours until midnight. Gwent Police, the Licensing Authority in its role as a responsible, Child Protection Officer and Trading Standards Officer sought conditions to be attached should the variation application be approved in respect of additional sale of alcohol hours. It is noted that none of the Responsible

Authorities opposed the earlier start time at 08:00 on Sunday for the retail sale of alcohol.

It is noted that the Licensing Authority in its role as a responsible authority highlights that 8 Till Late General Store currently operates from 8am until Midnight. However, it should be noted that opening hours themselves, are not licensable and as such the premises could remain open and sell other goods until midnight, if Members determined to refuse later hours for the sale of alcohol. It is understood that there are no Planning limitations that would restrict trading at this location prior to Midnight.

The lead authority on the prevention of public nuisance licensing objective, Environmental Health Pollution Officer has concluded that the licensing objectives could be undermined by virtue of granting increased sale of alcohol hours until Midnight. The Officer identifying the location of the premises in a predominantly residential area flanked on both sides by domestic properties along Bedwas Road with a green open space opposite, Lansbury Park Estate a short distance beyond and the new 31 affordable homes currently under construction directly behind the 8 Till Late store.

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

Paragraph 5.7 of the Council's 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.'*

Paragraph 26.2 of the council's statement of licensing policy 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.'*

Paragraphs 10.13 – 10.15 of Section 182 Home Office National Guidance provides advice to members when considering hours of trading.

10.13 *'The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, 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.'*

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.'*

However the Council's own statement of licensing policy at Paragraph 5.4 offers an alternate view 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.'*

The Council's Statement of Licensing policy at Paragraph 22.1 details the following *'Shops, stores and supermarkets should generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual premises, which are known to be a focus or cause of disorder and disturbance then, subject to representations from the police and other responsible authorities, a limitation on licensing hours may be appropriate.'*

It is noted that Gwent Police nor other Responsible Authorities have made representations to suggest that the applicant's premises is a focus or cause of disorder or disturbance, furthermore the absence of resident representations in respect of the increased hours sought is also noted.



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.'*

A review of alcohol licensed premises in the immediate local area undertaken **Appendix 4** has demonstrated that the applicant's permitted sale of alcohol permissions exceeds many of other off licence premises in the area.

In this instance, the Environmental Health Pollution Team Officer has articulated concerns over the promotion of the Prevention of Public Nuisance licensing objective in respect of the later hours proposed by the applicant.

Paragraph 10.4 of the council's statement of licensing policy advocates that applicants demonstrate knowledge of customers/locations, the failure to do so may lead to representations and states *'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?*

If Members determine to refuse the later hours sought by the applicant, it should be noted that this would not preclude the applicant from selling other goods up until the premises current closing time of midnight. The limitation of alcohol until 23:00 could give rise to possible nuisance arising from customers who are prevented from purchasing alcohol during shop 'opening hours.'

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.*

It is noted that the existing premises licence held, detailed at **Appendix 1** currently contains no conditions. Should Members determine to approve the additional hours sought by the applicant in this application, then any new premises licence will contain several robust and enforceable conditions that are set out at **Appendix 13**. These include provision of CCTV, Staff training, record keeping and Proof of age but also conditions pertinent to the prevention of public nuisance requiring management intervention, if persons loiter in vicinity of the premises and controls in relation to light and noise pollution.

Paragraph 19.7 of the councils licensing policy states *'It is an expectation that the premises licence holder and designated premises supervisor will be aware of their permitted licensable activity types, permitted hours and conditions of licence. Failure to demonstrate or have a lack of regard could result in a lack of confidence in management by a Responsible Authority'*.

In such instances, Responsible Authorities and indeed Other Persons e.g Members of the Public have the recourse apply to Review of the Premises licence, if it is believed that the Licence Holder is undermining any of the four 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.

### **1.13 RECOMMENDATION**

Having had regard to the comments of the responsible authorities, the Section 182 Home Office Guidance and the Council's own licensing policy. In addition, the proposed conditions that could be attached to the premises licence in order to promote the licensing objectives. **It is recommended to approve an increase in**

**the sale of alcohol hours from 08:00 until midnight, 7 days a week, subject to the conditions attached at Appendix 13 and to note the change of layout following submission of a revised premises plan.**

Date of this report: 30<sup>th</sup> January 2025

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Appendix 1 – Premises Licence  
Appendix 2 – Aerial View  
Appendix 3 – Premises Photographs  
Appendix 4 – Comparison Table  
Appendix 5 – Extract of Licensing Policy  
Appendix 6 – National Guidance Extract  
Appendix 7 – Police Representations  
Appendix 8 – Environmental Health Representations  
Appendix 9 – Licensing Authority Representations  
Appendix 10 – Child Protection Representations  
Appendix 11 – Trading Standards Representations  
Appendix 12 – Applicants Response  
Appendix 12a – Applicants Response  
Appendix 12b – Applicants Response  
Appendix 13 – Proposed Conditions of Licence

Background Papers: Statutory Guidance issued under S182 of the Licensing Act Revised Guidance issued under section 182 of the Licensing Act 2003

Caerphilly CBC Statement of Licensing Policy (2021)  
[StatementOfLicensingPolicy.aspx \(caerphilly.gov.uk\)](#)