

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: **THE CHAIR AND MEMBERS OF THE
STATUTORY LICENSING COMMITTEE**

SUBJECT: **STATUTORY LICENSING SUB-COMMITTEE
10TH MARCH, 2022**

REPORT OF: **DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

PRESENT: COUNCILLOR W. HODGINS (CHAIR)

Councillors J. Hill
 T. Smith

WITH: Team Manager, Trading Standards and Licensing
 Senior Licensing Officer
 Licensing Officer
 Local Authority Solicitor

AND: Mr. S. Sangha, Applicant
 Mr. G. Dixon, Applicant's Representative

Objectors
Mrs. S. Adlam
Mr. E. Adlam

DECISIONS UNDER DELEGATED POWERS

<u>ITEM</u>	<u>SUBJECT</u>
No. 1.	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.
No. 2.	<u>APOLOGIES</u> There were no apologies for absence received.

No. 3.	<p><u>DECLARATIONS OF INTEREST & DISPENSATIONS</u></p> <p>There were no declarations of interest or dispensations reported.</p>
No. 4	<p><u>STATUTORY LICENSING SUB-COMMITTEE</u></p> <p>Consideration was given to the Minutes of the Sub-Committee held on 3rd February, 2022.</p> <p>RESOLVED that the Minutes of the Statutory Licensing Sub-Committee be confirmed as a true record of proceedings.</p>
No. 5	<p><u>LICENSING ACT 2003 – NEW PREMISES LICENCE – THE VENUE CONVENIENCE STORE, COMMONWEALTH ROAD, GARNLYDAN, EBBW VALE</u></p> <p>Consideration was given to the report of the Senior Licensing Officer.</p> <p>The Applicant was introduced to Officers and Members of the Committee and the Team Manager – Trading Standards and Licensing outlined the process to be followed at the meeting.</p> <p>At the invitation of the Chair the Team Manager – Trading Standards and Licensing advised that the report informed the Statutory Licensing Sub-Committee of representations received in respect of an application for a new premises licence at The Venue Convenience Store, Commonwealth Road, Garnlydan, Ebbw Vale in order to enable the Sub-Committee to determine the application in accordance with the Licensing Act 2003.</p> <p>The Team Manager advised that the application was submitted on 20th January, 2022 by Mr. Sunny Singh Sangha for a new premises licence at the premises at The Venue Convenience Store, Commonwealth Road, Garnlydan, Ebbw Vale. The convenience store was located inside ‘The Venue’ club building and permission had been granted by the Council’s Planning Team to reconfigure the internal area of existing club building to allow the convenience store to be incorporated.</p>

The Team Manager continued that an application to vary the existing premises licence in respect of the club to identify this change had also been submitted to the Licensing Team for determination. As a result of the reconfiguration the existing club would retain its original entrance at the side of the building and the new convenience store would have a new entrance at the front of the building. There would be no access to either licensed premises from the other.

The Team Manager advised that the Applicant wished to provide licensable activities, supply of alcohol at the premises Monday to Sunday between the hours of 08.00 am – 10.00 pm. The proposed opening times of the premises would be Monday to Sunday 08.00 am – 10.00 pm.

In accordance with the Licensing Act 2003, as part of the consultation process, the Applicant had a duty to send copies of the application to Responsible Authorities. Therefore, consultation has been carried out with Gwent Police, South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning, Environmental Health, Social Services departments and Aneurin Bevan Health Board. In addition, the Applicant placed a notice of the application at the premises for 28 days to enable Other Persons, i.e. local residents and businesses, to make representations, a notice was placed on the authorities website, also a notice was also published in the Gwent Gazette within 10 days of the date the application was received. There had been no representations received from South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning and Environmental Health. However, it was noted that representations had been received from Gwent Police.

The Team Manager advised that the representations made by Gwent Police had been withdrawn as the Applicant agreed to include the conditions recommended by Gwent Police as detailed in the report.

In conclusion, the Team Manager advised that in considering this application the Sub-Committee must take account of the provisions in the Licensing Act 2003, in particular, the licensing objectives which are:-

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

The guidance issued by the Home Office under section 182 of the Act and the Council's licensing policy must be taken into account when considering this application.

The Team Manager thereupon referred the Sub-Committee to the options for recommendations as follows:-

- to grant the licence subject to the conditions consistent with the operating schedule;
- to modify the conditions on the licence to the extent considered appropriate for the promotion of the licensing objectives;
- to exclude a licensable activity from the scope of the licence;
- to refuse to specify a person as a designated premises supervisor; or
- to reject the application

The Chair thanked the Team Manager for the overview of the report and invited the Applicant to present his case.

Mr. Dixon reported that Mr. & Mrs Adlam was business owners of another shop in the area and therefore it was felt they were objecting to the application in the interest of their business.

Mr. Dixon advised that the reason for the application had been to include a separate convenience store within the existing premises. Mr. Dixon advised that Mr. Sangha was the owner of the premises and had run a social club for many years with no breaches in the licence. Therefore, Mr. Sangha had wished to renovate the building to include an off-licence to run as a business.

At this juncture, the Chair invited the objectors to address the Sub-Committee.

Mr. Adlam firstly wished to report that he was objecting as a resident of Garnlydan and not as a business owner. Mr. Adlam thereupon read the statement which had been submitted against the application as detailed in the report.

Mr. Adlam, Objector raised a number of issues which the Chair and Local Authority Solicitor confirmed were not relevant to the application and did not meet the licensing objectives.

Mrs. Adlam, Objector felt that another off licence within the Estate would increase the availability of alcohol and could attract young people to the area with an increased risk of anti-social behaviour which would impact on public safety. Mrs. Adlam added that she was an active member of a local Community Group who had been working with the Gwent Police and Tai Calon to improve the area.

Mrs. Adlam had major concerns about the state of the building and the general cleanliness of the surrounding area. The Sub-Committee was informed that pest control had visited the building due to sighting of rats and Mrs. Adlam had on many occasions cleared rubbish and litter from the around the building.

Mrs. Adlam felt that the current state of the building showed the complete lack of respect the Applicant had for the area.

In response to comments raised by the Applicant's Representative, Mrs. Adlam reiterated that both her and her father was objecting as residents of Garnlydan and did not own the local convenience store. Mrs. Adlam reiterated she was an active and passionate member of the local community group and wanted to improve the area.

Mrs. Adlam added that Nick Smith, M.P. had been contacted on this matter and fully supported the objections raised.

There were no further questions from the representatives or Members of the Sub Committee.

At this juncture the attendees of the meeting were asked to sum up their representations.

The Applicant's Representative appreciated the concerns raised by the objectors in relation to the condition of the building and it was felt these concerns would be addressed as the building would undergo an extensive refurbishment if the application was approved.

Mr. and Mrs. Adlam noted the comments of the Applicant's Representative, however they were not confident that their concerns would be addressed as Mr. Sangha had owned the building for many years and had made no attempt to renovate the building or keep the premise clear of rubbish.

At this juncture, the Applicant, Applicant's Representative, Objectors and Licensing Officers left the meeting in order for the Sub-Committee to consider the application.

The Committee discussed the application at length and a decision was made and attendees were invited back into the meeting.

At this juncture, the Local Authority Solicitor provided the decision of the Sub-Committee.

The Sub-Committee considered the written representations for this application for a New Premise Licence for The Venue Convenience Store, Commonwealth Rd, Garnlydan as presented in the Officer's report, together with the oral representations given at the hearing on behalf of the Applicant and Objectors.

The Sub-Committee were made aware of the initial objections by Gwent Police which were withdrawn when the Applicant agreed to the various conditions as set out in the Officer's report.

In reaching its decision today, the Sub-Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council.

The Sub-Committee have considered the Application in light of the four Licensing Objectives:-

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

The Sub-Committee also appreciates that the Objectors have concerns, however based on the conditions as outlined in the report that the Applicant is willing to abide by, the decision was made to:-

To grant the License with the following conditions;

Supply of Alcohol, Monday – Sunday 08.00am – 10.00pm
Opening Times - Monday – Sunday 08.00am – 10.00pm

- CCTV to be in operation.

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;
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| | <ul style="list-style-type: none">- 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, 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 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;- There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.- There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises.- Should customers be outside the premises causing congestion, loitering and/or causing Anti-Social Behaviour they will be told move away from the vicinity.- 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. |
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- Clear notices displayed at entry/exit points where customers leave the premises must instruct them to respect the needs of local residents and leave the premises and the area quietly.
 - All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training in proxy sales and 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.
 - An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as 'Challenge 21' whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 21 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 license and passport.

The Committee felt that as a result of there being no objections from responsible Authorities or any other residents, then this was the correct decision to make.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.

No. 6	<p><u>LICENSING ACT 2003 – VARIATION OF PREMISES LICENCE – THE VENUE, COMMONWEALTH ROAD, GARNLYDAN, EBBW VALE</u></p> <p>Consideration was given to the report of the Senior Licensing Officer.</p> <p>The Team Manager – Trading Standards and Licensing advised that the report informed the Statutory Licensing Sub-Committee of representations received in respect of an application for the variation of a premises licence at The Venue, Commonwealth Road, Garnlydan, Ebbw Vale in order to enable the Sub-Committee to determine the application in accordance with the Licensing Act 2003. The application was submitted on 20th January, 2022 by Mr Sunny Singh Sangha, for the variation of a premises licence at the premises The Venue, Commonwealth Road, Garnlydan, Ebbw Vale. The current premises licence had been in place since 2005 and the Team Manager noted the licensable activities as detailed in the report.</p> <p>The Team Manager advised that the proposed variation was in relation to the change of layout to The Venue to accommodate the reduction in the size of licensed area. It was noted that planning permission had been agreed and there would be no change in operating hours. The entrances for the store and club would be different and neither would be adjoining to allow access from either place.</p> <p>In accordance with the Licensing Act 2003, as part of the consultation process, the applicant has a duty to send copies of the application to Responsible Authorities. Therefore, consultation has been carried out with Gwent Police, South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning, Environmental Health, Social Services departments and Aneurin Bevan Health Board. In addition, the applicant placed a notice of the application at the premises, for 28 days to enable Other Persons, i.e. local residents and businesses, to make representations. A notice was placed on the authorities website, also a notice was also published in the Gwent Gazette within 10 days of the date the application was received.</p>
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The Team Manager noted that no representations were received from Gwent Police, South Wales Fire and Rescue Service, Immigration Service, Blaenau Gwent County Borough Council Trading Standards, Licensing Enforcement Officers, Planning, Social Services departments and Aneurin Bevan Health Board. It was reported that representations had been received from Environmental Health as detailed in the report and these had been agreed by the applicant.

There were representations received from two 'other persons' as heard in relation to the previously application.

In considering this application, the sub-committee must take account of the provisions in the Licensing Act 2003, in particular, the licensing objectives which are:-

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

The guidance issued by the Home Office under section 182 of the Act and the Council's licensing policy must be taken into account when considering this application.

The Options for Recommendation was outlined as detailed in the report which was to be determined by the Sub-Committee.

The Chair invited the Applicant to present his case.

The Applicant's representative noted the application which had been presented to facilitate the remodelling.

The representations received for Mr. & Mrs. Adlam remained the same as reported for the previous application.

The Chair asked questions from Members at this juncture.

A Member felt it was important that both businesses are kept separate.

The Applicant. Applicant's representative, Objectors and Licensing Officers left the meeting at this juncture for Members to consider the application.

The Sub-Committee discussed the application at length and a decision was made and attendees were invited back into the meeting.

The Local Authority Solicitor outlined the decision of the Sub-Committee.

The Sub-Committee considered the written representations for this application for a **VARIATION** of Premise Licence for The Venue Convenience Store, Commonwealth Rd, Garnlydan as presented in the Officer's report, together with the oral representations given at the hearing on behalf of the Applicant and Objectors.

The Sub-Committee were made aware of the initial objections by Environmental Health Department which were withdrawn when the Applicant agreed to the various conditions as set out in the Officer's report.

In reaching its decision today, the Sub-Committee has considered the relevant provisions of the Licensing Act 2003 (in particular Section 4) and the guidance issued under Section 182 of the Act and the Licensing Policy of Blaenau Gwent County Borough Council.

The Sub-Committee have considered the Application in light of the four Licensing Objectives:-

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of children from harm

The Sub-Committee also appreciated that the Objectors have concerns, however based on the conditions outlined in the report that the Applicant was willing to abide by, the Sub-Committee felt that the application to vary the existing license should be granted with the conditions as stipulated in the Officers report and agreed as follows:

1. At times when regulated entertainment is provided and/or provision for entertainment facilities is made within the licensed premises all external openings to the licensed premises must be kept closed, save for the purposes of entering and exiting the premises.
2. No form of loudspeaker or sound amplification equipment shall be sited in or near any foyer, doorway, window or any external opening of the licensed premises.

Right to Appeal

All parties have the right to appeal to the Magistrates' Court within 21 days of receipt of this decision. Any responsible authority or other person has the right to request a review of the Licence.
