

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO: THE CHAIR AND MEMBERS OF THE STATUTORY LICENSING SUB-COMMITTEE

SUBJECT: STATUTORY LICENSING SUB-COMMITTEE – 28TH JULY, 2021

REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER

PRESENT:

Councillors W. Hodgins
L. Winnett
C. Meredith

WITH: H. Jones – Senior Licensing Officer
M. Bennett – Licensing Officer
S.A. Evans - Solicitor

AND: Mr. J. Thevarasa, Applicant
Mr. L. Schelvis, Applicant's Solicitor

Cllrs J Morgan, Cllr K Hayden, J. & P. Shephard, Objectors

DECISIONS UNDER DELEGATED POWERS

ITEM	SUBJECT	ACTION
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> No apologies for absence was received.	

No. 3	<u>DECLARATIONS OF INTEREST AND DISPENSATION</u> There were no declarations of interest or dispensations reported.	
No. 4	<u>LICENSING ACT 2003 – NEW PREMISES LICENCE – 58 GLYN TERRACE, TREDEGAR, GWENT.</u> The Applicant and Applicant’s Solicitor along with other attendees was introduced to Officers and Members of the Sub-Committee. At the invitation of the Chair the Senior Licensing Officer advised that the Statutory Licensing Sub-Committee had been convened in order to give consideration to a new premises licence application in accordance with the Licensing Act 2003. The application had been submitted by Mr. Jegathees Thevarasa in respect of 58 Glyn Terrace, Tredegar, Gwent, in accordance with the Licensing Act 2003. The Senior Licensing Officer informed the Sub-Committee that there was currently no licence in force in respect of the premises and an application has been made by the Applicant for the following activities and times:- <ul style="list-style-type: none">• Supply of alcohol - Monday to Sunday - 7.00 am to 11.00 pm• Opening hours - 6.00 am to 11.00 pm In accordance with the Licensing Act 2003, the Applicant had served copies of the application on the responsible authorities and a notice was displayed at the premises for 28 days to enable other persons to make representations. A notice of the application was also placed in the Gwent Gazette and advertised on the Blaenau Gwent Council’s website for a period of 28 days.	

The Senior Licensing Officer reported that the only representations received had been from Gwent Police and the applicant had agreed to amend the application to include the following conditions which had been put forward by Gwent Police:-

- CCTV be installed and working to the satisfaction of the Police and Licensing Authority. Recordings would be maintained for a minimum of 28 days. Recordings shall be immediately available on request of any authorised officer named under the Licensing Act 2003. If the CCTV equipment fails, the Police and Licensing Authority would be informed as soon as possible and immediate steps would be taken to put the equipment back into good working order. The DPS shall train an appropriate number of staff in the use of the CCTV system to facilitate the efficient operation of it with a view to providing evidence when requested by an authorised officer named under the Licensing Act 2003. The correct time and date will be generated onto both the recording and the real time image screen.
- CCTV to cover all of the licensed area of the premises, it would be of evidential quality. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.
- 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 was 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.

- All refusals would 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 must be recorded. This documentation should be available for inspection on request by an authorised officer of the Licensing Authority or a Constable and retained for a 12-month period.
- 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 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 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. The logbook must be retained for a 12-month period.
- Rowdy and/or disorderly customers must be asked to leave the premises.
- Throughout the hours that the licence operates the premises would operate regular patrols in the vicinity of the premises to collect and tidy any litter or refuse in that area.
- Should customers be outside the premises causing congestion on the pavement, loitering and/or causing Anti-Social Behaviour they would be told move away from the vicinity of the store.

- There shall be no consumption of alcohol beverages purchased from the premises in open containers outside at the front of the premises. The aforementioned are proposed to assist in promoting the key licensing objectives.

The Senior Officer Licensing advised that as the Applicant had agreed to the amendments put forward by Gwent Police and their representations had been withdrawn. The Officer referred to Appendix 3 of the report which detailed representations received from 'other persons' and although notification had been received of the amendments put forward by Gwent Police the objections was still submitted. The Officer reported that a petition had also been received with over 209 signatures objecting to the application under the licensing objectives.

The Senior Officer – Licensing advised that in considering this application the Licensing Sub-Committee must take account of the provisions in the Licensing Act 2003 in particular, the licensing objectives as follows:-

- 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 Councils licensing policy.

In conclusion, the Senior Licensing Officer referred Members to the options for recommendation:-

- To grant the licence
- To grant the licence with modifications to the conditions
- To exclude any licensable activity to which the application relates
- To refuse to specify a Designated Premises Supervisor
- To reject the licence application

The Chair then invited the Applicant Solicitor to present his case.

The Applicant's Solicitor advised that the application had been made by the Applicant in respect of 58 Glyn Terrace, Tredegar. The application was sought to supply of alcohol between Monday to Sunday - 7.00 am to 11.00 pm and the opening hours would be 6.00 am to 11.00 pm Monday to Sunday with no other licence of activities being applied for. The Applicant had been operating off licences for 8 years in Barged and Pontypridd both of which sold alcohol. The shop would be managed by the Applicant and his wife who would accommodate the premises above the same. The Applicant's Solicitor advised that initially the shop would be run and managed by the Applicant and his wife and staff would be employed from the local area at a later date. The Applicant other premises had never needed intervention from the Police, nor had any of the licences been revoked.

The Applicant's Solicitor added that the small convenience shop would sell tobacco, food, soft drinks. The Applicant took over the premises about 2 months ago and was familiar with the area due to milk deliveries undertaken. The Applicant had wished to increase the products available at the at shop to include alcohol, although, the Applicant would not be selling high level beverages it would be beer and wine of 4-5% the volume.

The Applicant's Solicitor referred to the robust conditions put forward by Gwent Police which had been agreed by the Applicant and therefore the concerns of the Police had now been withdrawn. The Police are the key advisor's in matters of crime and disorder and it was requested that the Sub-Committee place weight on these conditions which fully satisfied Gwent Police.

The Chair invited Mr. & Mrs Shepherd addressed the Committee, Mr. & Mrs Shepherd advised that the application was of great concern to the residents in the area. It was reported that this area of Georgetown was a quiet area, however in recent years it had experienced ASB and the residents felt that this had worsened due to local shops selling alcohol as it would be drunk in the vicinity until late into the night.

Mr. & Mrs. Shepherd added that they live near to the convenience shop and it caused great concern that it could possibly be selling alcohol. The previous ASB issues in the area had been documented with the Police and Mrs. Shepherd confirmed that she played an active part in the neighbourhood watch scheme in the area. The majority of the ASB issues was due to underage drinking which resulted in extreme behaviour. It was continued that the area was home to a number of older residents and an additional shop selling alcohol late into the night was a great concern.

Mrs. Shepherd referred to the global pandemic which had resulted in the older and vulnerable residents being isolated in their homes for the last 18 months and the proposed application had given residents that continued fear that they would be unable to leave their homes.

Mr. Shepherd explained that the extent of the extreme ASB experienced by residents and informed the Sub-Committee that there were already two shops selling alcohol in the area and it was therefore felt that another shop was not required. It was also reported that the proprietors of these shops had agreed to sell alcohol until 7.00 p.m. This agreement had been reached due to the ASB experienced in the area.

Councillor J. Morgan & K. Hayden, Ward Member addressed the Sub-Committee and concurred with the concerns raised by Mr. & Mrs. Shepherd in relation to ASB. The residents had been subject to rowdy groups, vandalism to cars, their windows broken and disturbance into the early hours of the morning all of which intimidated the residents. The Ward Member advised that it had been requested by residents that regular police controls be undertaken in the area. These issues stopped when the local shop closed, however another opened and it started again, although on this occasion the owner agreed to close the shop at 7.00 p.m.

The Ward Member added that Glyn Terrace was a quiet area with mixed aged residents, however the majority of residents was of the older generation. The current shop sold a small amount alcohol and the area had a Happy Shopper. The Ward Member stated that there was no objection to another convenience shop, the main concerns were the recommencement of similar ASB issues as seen in previous years.

The Ward Member continued that ASB was getting worse throughout the Borough and a lot of the issues was alcohol related and the Local Authority had a duty to stem the growth not only locally but throughout Blaenau Gwent.

The Ward Member proposed that the Applicant open the convenience shop first in order to get a feel for area and wait a period of time before selling alcohol. The Ward Member felt that it would allow the local residents to get to know the Applicant and therefore suggested that the application be withdrawn or wait a year before submitting an application to sell alcohol.

The Chair invited questions from Members at this juncture.

A Member asked if the Applicant would give consideration to limiting the times for selling alcohol.

Another Member asked if there had been any issues with the Applicant's shops in Bargoed and Pontypridd and would someone be living above the shop in order to manage any issues.

The Applicant's Solicitor confirmed that there had been no issues with the other shops owned by the Applicant with the Police or licensing authorities. It was stated that the Applicant had an impeccable record.

In terms of living arrangements, the Applicant and his wife would live above the shop and would run the business until a point in the future when they would look to employ staff. It was added that the Applicant currently lived in Bargoed, however was familiar with the area as undertook milk deliveries in the vicinity.

The Licensing Officer informed the Sub-Committee that the other shops in the area was permitted to open from 7.00 a.m. until 11.00 p.m. and the shop owner had agreed to close at 7.00 p.m., however this was not an official change in licensing hours, the allowed opening time remained at 11.00 p.m.

In summing up, the Applicant's Solicitor reminded the Sub-Committee of the Applicant's impeccable record and no objections had been received from the responsible authorities and Gwent Police had withdrew their objections as the Applicant had agreed to their conditions which would form basis of the licence.

The Applicant and Licensing Officers left the meeting at this juncture for Members to consider the application.

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

The Chair provided an overview of the reasons agreed by the Sub-Committee. The full reasons are as follows:-

The Sub-Committee considered the written representations for this application for a New Premise Licence at 58 Glyn Terrace, Tredegar, Gwent, NP22 4JA as presented in the Officer's report, together with the oral representations given at the hearing on behalf of the Applicant by his Solicitor, Ward Members 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. The Sub-Committee were also made aware of the numerous objections to the applicant by residents living in the vicinity of 58 Glyn Terrace and that a petition with some 209 signatures against the Application has been obtained. Residents main concerns are anti-social behaviour/potential criminal damage etc.

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

Decision

The Sub-Committee, has had regard to the representations made by the Applicant.

The Sub-Committee also appreciates that the local residents have concerns, however based on the conditions as outlined in the report that the Applicant is willing to abide by, the Sub-Committee felt that the Applicant should be given an opportunity to prove himself and the decision was made;

To grant the License with the following conditions:-

- Alcohol to be served between 10am – 7pm
- CCTV to be installed to satisfaction of the Police and Licensing Authority. 28 Day cycles to be kept and to be made available on request. The Applicant is to inform the Police and Licensing Authority if the CCTV ceases to work and need to get it repaired as soon as practically possible.
- DPS will train staff to use the CCTV and the correct date and time will always appear on all images. There will be clear signage on the premises to indicate there is CCTV in operation.
- There will be a Proof of age scheme adopted at the premises. ID will be requested of those seemingly under 25 which will include name, address and photograph.
- Any refusals to serve will be recorded with date, time and items. This will be kept for 12 months.
- All staff are to be trained in Underage sales/ safeguarding. All training to be properly recorded and records retained.
- There is to be an Incident report book to be retained and available for inspection by the Police and Licensing Authority.
- Anyone displaying disorderly behaviour will be asked to leave
- Litter patrol by staff between 6am and 11 pm.
- If any congestion by entrance or outside premises, will be asked to move away.
- No alcohol to be consumed outside the 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.

A Sub-Committee Member wished to add that the other licensees in the area had been responsible and made a decision to stop selling alcohol at 7.00 p.m. for the benefit the area and the local residents. Therefore, it was felt that these were responsible licence holders working with the community to prevent ASB and the Sub-Committee had wanted to grant the Applicant's licence in line with their operating hours.
