

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held at County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 10.00 am

PRESENT: County Councillors: J.Treharne, J. Higginson and A. Easson

OFFICERS IN ATTENDANCE:

Taylor Watts	Licensing Officer
Linda O'Gorman	Principal Licensing Officer
Ben Davies	Solicitor
Nicola Perry	Senior Democracy Officer

APOLOGIES:

None

1. Declarations of Interest.

No declarations of interest were made.

2. Application for a Premises Licence for The Old Station, Tintern, Chepstow.

The Chairman welcomed everyone to the meeting and introduced Members of the Sub Committee and the attending officers and explained the protocol for the meeting.

All confirmed sight of the report and the committee procedure. A reminder was provided that all objections being made and any discussion must be under the four Licensing objectives of:

- Prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- Protection of children from harm.

The Sub Committee heard concerns from objectors 1) representing residents of Tintern Parva and Brockweir and 2) representing Tintern Community Council, and took the opportunity to ask questions and seek clarification.

The applicant provided responses. The Sub Committee asked questions of the applicant.

It was pointed out that the Sub Committee had the following options:

- Grant the licence;
- Grant the license with conditions;
- Exclude any licensable activity; or
- Refuse the application.

MONMOUTHSHIRE COUNTY COUNCIL

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The objectors and applicant summed up. The Sub Committee withdrew to deliberate and returned to deliver the following decision:

The Licensing and Regulatory Committee has considered an application for a Premises Licence under the Licensing Act 2003 from Ms Katie Burton for The Old Station, Tintern, Chepstow, NP16 7NX. A copy of the application and plan is attached as Appendix A. The application is for the following:

- Supply of Alcohol (On & Off sales): Monday to Sunday 10.00hrs – 23.00hrs
- Open Hours (Standard timings): Monday to Sunday 10.00hrs – 17.00hrs

The applicant has stated within the application that the premises is a visitor attraction, comprising of a tearoom and carriages. The site also has a green area where people can explore and walk.

The tearoom and shop within the carriages will both sell alcohol as gifts to visitors. Alcohol would also be sold for consumption within the café area and picnic seating area. Alcohol may also be consumed within the carriages if there is a wedding or event.

The Committee has considered a map showing the layout and location of the premises at Appendix B.

The Committee has considered the information provided by the applicant describing the steps intended to be taken to promote the licensing objectives, at paragraph 3.4 – in summary:

Generally

The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol which shall be available for inspection.

The Premises Licence Holder shall operate and maintain an up-to-date incident book, detailing the time/date/individual involved /incident that has taken place.

These will be monitored by the Designated Premises Supervisor.

The Prevention of Crime and Disorder

CCTV equipment shall be maintained and will continually record when licensable activity takes place. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days.

If the CCTV equipment 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 also be contemporaneously recorded in the incident report register and shall include to whom the information was reported.

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.

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

Public Safety

The premises will conduct a suitable risk assessment and implement the necessary control measures.

MONMOUTHSHIRE COUNTY COUNCIL

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Arrangements are in place at the premises to enable the safe movement within the premises of disabled people and their safe evacuation in the event of an emergency.

Adequate and appropriate First Aid equipment and materials are available on the premises.

The designated premises supervisor or a responsible person nominated by them, shall be in charge of and be present in the premises at all times during events where the public are on the premises and there shall also be during that time a sufficient staff of attendants in the building for the purpose of securing safety.

Prevention of Public Nuisance

Signage shall be displayed requesting customers to leave the premises quietly and to have regard for neighbouring premises. Staff shall ensure that all litter is collected from outside the premises.

Protection of Children from Harm

The premises shall operate a Challenge 25 policy and signage will be displayed to indicate this is in operation.

Fully documented staff training

The Committee note that if granted, the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix C – which the committee have considered.

The Committee note that if the sale of alcohol is granted the licence will also benefit from the Live Music Act 2012 and have considered appendix D in relation to this.

The Committee has considered paragraph 3.6 of the report which outlines that the Premises application has been sent to the 'Responsible Authorities' namely Gwent Police, South Wales Fire Service, The Local Health Board and departments of Monmouthshire County Council being the Environmental Health Section, Social Services, Planning, Licensing and Trading Standards Department.

No representations were received by any statutory consultee.

A notice was also circulated in a newspaper within the area, as well as a notice displayed at the premises to enable businesses and residents to make a representation.

The application was also advertised via the Council's website, with details on how a person can make a representation.

Representations were received from members of the public. As a result of these representations Licensing mediated with the applicant.

On 13th August 2021 the applicant e-mailed the Licensing Authority to confirm they wish to amend their original application to change the hours for the sale of alcohol from 10.00hrs till 23.00hrs to 12.00hrs till 17.00hrs as a result of the objections raised.

The committee note that this change of hours would also change the relaxation hours for the live music if the licence is granted. It would now permit amplified live/recorded music between the hours of 12.00hrs – 17.00hrs without the need of a further licence.

As a result of the amended application, Licensing informed the members of the public of the new hours proposed. Licensing enquired with the objectors if they still wished to continue with their representation in light of the amended hours for the sale of alcohol.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Sub Committee held at County Hall, Usk - Remote Attendance on Tuesday, 7th September, 2021 at 10.00 am

14 objectors still wished to proceed and their objections are summarised at paragraph 3.10 of the report.

The Committee have carefully considered the representations in full at Appendix E.

The Committee have also noted the message of support for the premises licence at Appendix F.

The Committee understand that representations made under the Licensing Act 2003 must be made under the four key licensing objectives, namely: -

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

The Committee have considered the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003.

In particular, the Committee have considered Sections 2.1 – 2.32 of this guidance in relation to Licensing Objectives, for today's hearing.

The Committee note that section 9.4 of the Guidance, the Secretary of State recommends that, a representation would only be "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

The Committee have considered Monmouthshire County Council's Statement of Policy 2015, in particular:

Prevention of Nuisance set out in Section 11 -

The Committee recognises that Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances.

The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in the vicinity of a licensed premises.

The Committee consider that the applicant has demonstrated that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance and ensure public safety along with the prevention of crime and disorder and protection of children from harm.

The Committee recognises that beyond the immediate vicinity of the premises the control that a licence-holder can exert over its patrons diminishes and individuals who engage in anti-social behaviour are accountable in their own right.

Policy on Public Safety set out in Section 12.

The applicant has satisfactorily addressed issues concerning public safety in the conditions attached to their licence.

The Committee has carefully considered documentation provided by the Applicant to evidence it can meet the Licensing Objectives, which is highlighted in the conditions to be attached to the licence.

The Committee refers to legislation that an application is to be considered in accordance with Section 18 of the Licensing Act 2003.

MONMOUTHSHIRE COUNTY COUNCIL

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The Committee has considered Home Office Revised Guidance together with Monmouthshire County Council's Statement of Policy 2015

The committee has considered the report prepared by Taylor Watts, Licensing Officer and the annexed documents and the oral evidence provided to the Committee.

The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives. The licensing objectives relevant in respect of this application are:

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

The Committee have considered the information provided by the applicant within the report and have noted the representations from the Applicant at today's meeting.

The Committee have been able to ask the questions they felt relevant.

The Committee have carefully considered the objections made at Appendix E in detail and the representations made at today's hearing and have taken very seriously the concerns raised and the feeling in the community.

In particular, the Committee considered the issues raised in respect of the sale of alcohol changing the nature of the area, potential for anti-social behaviour, noise pollution, potential risks to children in an environment where alcohol is being consumed, concerns regarding the potential for increased road use and road safety and litter.

The Committee have also been able to ask any questions they felt were relevant to their decision.

In reaching the decision, the Committee have had regard to the following as key issues:

- The licensed hours between 12 – 5pm, which were considered to be limited.
- There are sufficient measures in place to meet the licensing objectives.

In taking into account all of the above matters, relevant legislation and guidance and all the relevant circumstances of the application.

On the basis that the Committee considered there were no licensing reasons to refuse the grant of a licence. The committee decided, to grant the application for a licence.

The Committee noted that should any of the concerns raised by the objectors become apparent at this site as a result of the licence, there is a review process that can be followed where applicable.

There may be an appeal against this decision within 21 days of being notified of the decision.

The applicant will receive written confirmation of this decision within 5 working days.

MONMOUTHSHIRE COUNTY COUNCIL

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The meeting ended at 12.05 pm