

**MONMOUTHSHIRE COUNTY COUNCIL  
REPORT**

<b>SUBJECT:</b> Application for a Premises Licence for Chepstow Store, 4-5 Beaufort Square, Chepstow, NP16 5LG <b>DIRECTORATE:</b> Social Care, Safeguarding and Health <b>MEETING:</b> Licensing & Regulatory Sub-Committee <b>Date to be considered:</b> 15 <sup>th</sup> January 2019 <b>DIVISION/WARDS AFFECTED:</b> Chepstow
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**1. PURPOSE:**

To consider an application for a Premises Licence under the Licensing Act 2003 for Chepstow Store, 4-5 Beaufort Square, Chepstow, NP16 5LG. A Copy of the application is attached as Appendix A.

**2. RECOMMENDATION(S):**

2.1 It is recommended that members consider and determine the application referred to in 3.1 below, based on the information provided.

**3. KEY ISSUES**

3.1 A new application for a premises licence under the Licensing Act 2003 was received from Mr Alpesh Patel for the Chepstow Store, 4-5 Beaufort Square, Chepstow, NP16 5LG for the following:-

- Supply of Alcohol (Off sales) Monday to Sunday 06.00hrs – 24.00hrs
- Hours Open to the Public Monday to Sunday 06.00hrs – 24.00hrs

3.2. The applicant has stated within the application that the premises is currently vacant in Chepstow Town Centre, which they would like to operate as an off licence and confectionery store. A map of the area is attached as Appendix B. The applicant within the operating schedule has outlined their arrangement under the four licensing objectives. .

**General**

- Challenge 21 Policy

**The Prevention of Crime and Disorder**

- Installation of CCTV

**Public Safety**

- Staff Training

**Prevention of Public Nuisance**

- Adhere to trading hours and identify trouble makers and refuse to serve

**Protection of Children from Harm**

- Apply good practices train staff and maintain high trading standards always with adequate staff training and regular supervision

- 3.3 If granted the licence would also be subject to Mandatory Conditions, which are attached to this report as Appendix C.
- 3.4 The applicant has a statutory duty to send copies of his/her Premises application to the 'Responsible Authorities' namely Heddlu 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, which was carried out by the applicant. A notice also has to be circulated in a newspaper within the area of the premises as well as a notice displayed at the premises to enable businesses and residents to make a representation; again, the applicant duly carried this out. The application is also advertised via the Council's website, which gives details on how a person can make a representation and this was carried out by the Licensing Authority.
- 3.5 A representation was received against the application from Heddlu Gwent Police of the 'Responsible Authorities' referred to in 3.4 above. Representations were also received from 4 other persons.
- 3.6 Gwent Police would not object to this application if the following amendments were made to the application:-
- CCTV cameras shall be installed both inside and outside the premises and these cameras shall be operational at all times the premises is trading. All recordings shall be retained for a minimum of 28 days and shall be made available for inspection by an Authorised Officer on request
  - A Challenge 21 policy shall be operated at the premises at all times. If operating a Challenge 21 policy all staff shall check the identification of all persons who appear to be less than 21 years old. This check shall be made by examining either a passport, photographic driving licence. No other form of identification shall be accepted.
  - Publicity materials notifying customers of the operation of the Challenge 21 schemes shall be displayed at the premises
  - The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a week ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
  - A documented training scheme shall be introduced for all staff. The scheme shall be made available for inspection at the request of any Responsible Authority under the Licensing Act 2003.
  - Employees shall be instructed not to serve anyone behaving in a drunk or disorderly manner.

The applicant agreed to the Police recommendations via email, a copy of which is attached as appendix D.

- 3.7 As a result of the applicant agreeing to the changes in 3.6. The conditions of the licence if granted to be considered are as follows:-

#### **General**

- The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a week ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.

#### **The Prevention of Crime and Disorder**

- CCTV cameras shall be installed both inside and outside the premises and these cameras shall be operational at all times the premises is trading. All recordings shall be retained for a minimum of 28 days and shall be made available for inspection by an Authorised Officer on request

### **Public Safety**

- A documented training scheme shall be introduced for all staff. The scheme shall be made available for inspection at the request of any Responsible Authority under the Licensing Act 2003

### **Prevention of Public Nuisance**

- Employees shall be instructed not to serve anyone behaving in a drunk or disorderly manner.

### **Protection of Children from Harm**

- A Challenge 21 policy shall be operated at the premises at all times. If operating a Challenge 21 policy all staff shall check the identification of all persons who appear to be less than 21 years old. This check shall be made by examining either a passport, photographic driving licence. No other form of identification shall be accepted.
- Publicity materials notifying customers of the operation of the Challenge 21 schemes shall be displayed at the premises

3.8 In relation to the other objectors mentioned in 3.5 above. An email was issued by the Licensing Section to the 4 persons, advising them of the amended application in 3.7 above. The email requested the objectors to confirm if they wished to pursue their objection in view of the change to the original application. 3 persons stated they wished to continue with the objection to the application and the Licensing Section received no response from the remaining person who made the original objection. The objections are summarised as follows:-

- The area already has two corner shops where their amenities have caused issues for the local area
- St Marys Street should be pedestrianised and should not be open to traffic between 10:00-16:00 but it has vehicles speeding and driving dangerously down. Vehicles also park illegally to collect coffee and use the street as a cut through to avoid traffic congestion
- Shop owners are constantly cleaning up beer bottles, cigarette ends and vomit from outside their stores after the weekend and so it's believed having this type of premises will exacerbate this issue further
- Concerned that customers will loiter in the street causing anti-social behaviour
- There are on-going issues with refuse in the street and traffic issues which may get worse if this premises opens.

3.9 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.

However, Section 9.9 of the Guidance issued by the Home Office states:

It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that

representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

3.10 In accordance with 9.2 of the Home Office Guidance issued under Section 182 of the Licensing Act 2003. A hearing is not required where an application has been properly made and no responsible authority or other person has made a relevant representation or where representations are made and subsequently withdrawn..... Licensing authorities should not hold hearings for uncontested applications, for example in situations where representations have been made and conditions have subsequently been agreed. *As such*, no agreement was reached with the other persons who made a representation and a hearing is required.

#### **4. REASONS:**

4.1 The determination of an application is to be considered in accordance with Section 18 of the Licensing Act 2003.

4.2 In section 9.4 of the Guidance issued under section 182 of the Licensing Act 2003, 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.

4.3 In section 13.10 of the Guidance issued under Section 182. It is important that a licensing authority should give comprehensive reasons for its decisions in anticipation of any appeals. Failure to give adequate reasons could itself give rise to grounds for an appeal. It is particularly important that reasons should also address the extent to which the decision has been made with regard to the licensing authority’s statement of policy and this Guidance.

4.4 Monmouthshire County Council has adopted a Cumulative Impact Policy for this area. It states, applications for new premises authorisations or club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. In Section 14.36 of the Guidance issued under Section 182. A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted.

4.5 Monmouthshire County Council’s Policy on Prevention of Nuisance are set out in Section 11 and read as follows:

##### **Prevention of public nuisance**

Licensed premises can have significant potential to impact adversely on persons in the vicinity and further afield through public nuisances that arise from their operation.

Subject to case law 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.

Applicants will be encouraged to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

The Licensing Authority recommends that licensees apply a high standard of control to minimise the potential for any public nuisance that may arise from their operation of the premises, particularly where:

- they are situated in a residential or noise sensitive area; or
- extended opening hours are proposed.

The Licensing Authority 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.

When addressing the issue of prevention of public nuisance in their operating schedule, the applicant may identify steps to show that those factors that impact on the prevention of public nuisance objective have been considered.

**5. RESOURCE IMPLICATIONS:**

Nil

**6. CONSULTEES:**

Heddlu Gwent Police, South Wales Fire Service and the following departments from Monmouthshire County Council, namely, Environmental Health, Social Services, Planning, Trading Standards, Licensing and the Local Health Board

**7. BACKGROUND PAPERS:**

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003 dated April 2017.  
Monmouthshire County Council's Statement of Licensing Policy dated 1<sup>st</sup> July 2015.

**8. AUTHOR:**

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