

SENT ON BEHALF OF [@Matthew Phipps](#) – Please acknowledge receipt

Dear Sirs

These submissions are provided in order to assist the licensing sub-committee in their determination of an application for a variation of an existing premises licence at 57 Bridge Street, Usk, Monmouthshire.

The following documents are provided to the committee in support of the application.

- **Photographs**

Applicant

The applicant acquired these premises in October 2024.

The premises operate as a Bar/Restaurant/Delicatessen with an ancillary-marquee at the rear providing additional capacity. The marquee is predominantly used for the daily business during busy periods and better weather – the functions are ad hoc and additional to its main function.

Clive Jones the Applicant is a local businessman and property owner. Casa Bianca and the Alfred Russel Wallace both in Bridge Street being examples. In terms of hospitality experience this is his first venture at purchasing a going concern himself.

All staff have remained with the business, thus experienced staff of 6 years standing operating the business have and will remain.

Operation

- **Main operation**

The variation will seek to allow the premises to trade longer hours and to develop something of an evening trade within the main premises (Deli / restaurant) as well as the marquee acting as a secondary facility. Put bluntly the current licence restricts the ability for the business to as currently configured to be financially viable. (worth noting that Casa Bianca and The Wallace have longer licences as do all the inns and hotels in the area). The primary “driver” of this application is to allow this operation to trade in the evenings as it does in the daytime, as a deli/restaurant/bar offer, with food and drinks available.

- **Events**

In addition, this application will allow the operation to conduct functions which will be pre-booked/ticketed and/or private without the necessity of applying for and obtaining TENS. Attendees details at functions will be known by the licence holder or organiser (bride and groom as an example). That these will likely be events at which many if not all of the attendees are known to the organiser or host is of additional significance. There will be an additional layer of self-regulation, we suggest, imposed by the nature of the events and activities being undertaken. To be clear the functions side of it are an addition and not its core business.

These events are occasional. Since January we have had one event in January and one is booked in for April (a 50th birthday til 11.30pm). I would envisage (with the exception of December) we might look at a total of 14 a year possibly, then December we would expect 3-4 themed nights usually with set menus with table service. Having just taken over it might be Licensing that would have a better idea of how many TENS they have approved over the course of the last few years.

- **TENS – Temporary Event Notices**

Before now TENS have been applied for and approved.

Functions, as opposed to the primary operation have been held at the premises on the following dates:

- 29th November
- 6th December
- 13th December
- 29th December

- **Marquee**

The marquee was created to co-exist with the daily business requirements. During the winter months when trade is lower the marquee is usually closed, likely from New Year to Spring – only opening if the space is needed (e.g. this year on Mother's day). From spring onward it will become a part of the table seating area, as numbers of attendees may oblige. When in use on a daily basis there is only background music playing from small internal speakers.

Functions may be hosted in this space. As has been the case before now. these events will, the applicants entirely acknowledge, need to be carefully managed and controlled.

- **Application**

The application before the licensing committee is limited to a variation to the permission in relation to late at night activities being permitted.

The application seeks to vary the existing permission so as to allow activities to be conducted for the following hours – as now agreed with the officers:

Opening hours

Sunday-Monday: 09:00hrs – 24:00hrs

Thursday-Saturday: 09:00hrs – 01:15hrs

Sale of Alcohol:

Sunday – Monday: 10.00hrs – 23.30hrs,

Thursday-Saturday: 10:00hrs -00:45hrs

Late Night Refreshment:

Sunday-Monday: 23:00hrs – 24:00hrs

Thursday-Saturday: 23:00hrs – 01:15hrs

These hours are more limited than were first proposed.

- **Police representation**

The police helpfully engaged with the applicant and made suggestions for amendments to the application. As touched on above the hours as now agreed are in line with the police suggestions.

Additionally the police have helpfully articulated how they would like the conditions within the licence, if granted, to be articulated.

Therefore in addition to the hours requested the following conditions (also now agreed) are proposed to be incorporated within the licence.

- **Conditions**

- General**

The premises must implement fully documented staff training, to include training on the Premises Licence conditions as well as the premises' Challenge 25 Policy must be given. Training must be undertaken at regular intervals throughout the calendar year, refreshers at a minimum every 6 months and full training annually. Staff must sign and date documentation at the conclusion of their training session, acknowledging that they have received and fully understood the training provided to them. This can be made for inspection by any Responsible Authority under the Licensing Act 2003. 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. These records shall be kept for a minimum of 12 months

The premises licence holder shall require the designated premises supervisor, or in his / her absence other responsible person, to keep an 'incident / refusals' logbook in a bound book in which full details of all incidents are recorded. This shall include details of any refused sales and shall give details of the persons involved, incident description, time and date, actions taken and final outcome of the situation.

This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The logbook is to be kept on the premises at all times and shall be produced to an authorised officer of the Licensing Authority or a constable when required. These records shall be kept for a minimum of 12 months.

Staff are to contact police immediately if they feel anyone under the influence of alcohol or over the prescribed limit would be likely to then drive away from the premises.

- **Prevention of Crime and Disorder**

CCTV shall be in use at the premises.

- (i) 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 day the licence is granted.
- (ii) 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;
- (iii) 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;
- (iv) The correct time and date will be generated onto both the recording and the real time image screen;
- (v) 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, verbally 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;

- (vi) 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 into a removable format at the request of any authorised officer of the Licensing Authority or a constable.
- (vii) The system shall also record clear images permitting the identification of individuals.
- (viii) There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during operating hours.

- **Public Safety**

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.

Rowdy and/or disorderly customers will be asked to leave the premises

Staff shall ensure that any glass bottles or glasses are removed from persons leaving the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

- **Prevention of Public Nuisance**

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.

Rowdy and/or disorderly customers will be asked to leave the premises

Staff shall ensure that any glass bottles or glasses are removed from persons leaving the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them

- **Protection of Children from Harm**

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 is 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

(Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

No person under 18 shall be allowed entry alone after 21:00 on any day.

- **Environmental Health**

Following discussions with the EHO all "outside" regulated entertainment has been withdrawn.

The following conditions to also be added to the licence.

1. Doors and windows will be kept closed when regulated entertainment takes place.

2. A noise management plan detailing appropriate controls to prevent unreasonable noise disturbance to nearby properties shall be retained at the premises and shall be reviewed every 12 months.

Fair to note that these will be of no effect, because of the Live Music Act, until 11pm.

- **Resident representations**

Whilst we are respectful of the concerns that have been articulated by residents, these do not we respectfully submit allow for the conclusion that the application should be refused. Change is, perhaps in licensing terms as in life, the only constant.

That this operation would like to develop its evening operation, whilst maintaining its standards as regards its food and drink, does not allow for the conclusion that this operation will undermine the licensing objectives.

The licensee will, of course, need to be mindful of residents, particularly late at night and when the marquee is in use. Residents are in proximity to this premises, but licensed premises are in proximity to residents, countrywide.

Managing the customers to ensure safe and orderly departure will also need to be a feature of the operation. Again there is nothing extraordinary about this, the same might equally be said for the licensed premises in Usk.

Conditions

There is a significant schedule of conditions, albeit a number are somewhat "old", included within the existing licence. These conditions attend to the licensing objectives. The licence includes but is not limited to the following conditions:

- Staff training
- CCTV
- Notices
- Inspections logbook
- Parking controls
- Music controls
- Lighting controls
- Challenge 25
- Restrictions on evening child access

The police proposed conditions modernise these conditions and the licence from that which was first granted, we believe some years ago.

- **Responsibility authorities**

None of the responsible authorities object to the proposed variation, albeit with the now amended hours and additional conditions proposed above.

- **National Guidance**

Paragraph 9.12 - *"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 nighttime 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.

The committee will note that some of the resident representations express concern about anti-social behaviour crime and disorder. We respectfully submit that the position of the South Wales Police is a real significance here.

- **Monmouthshire licensing policy**

The following paragraphs may of particular significance:

- Each application will be considered on its individual merits, and in the light of this Policy – 1.8
- The licensing policy will not seek to regulate matters which are provided for in any other legislation and will seek to complement such regimes e.g. planning, health and safety, employment rights, fire safety, etc. 1.10
- Because of the rural nature of the County, premises and events licensed under the Licensing Act 2003 provide an essential contribution to the local economy, through tourism and cultural development. 2
- Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures. 11.3
- 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. When a suitable site is identified, operating schedules should be prepared on the basis of a risk assessment of the potential sources of nuisance posed by the premises operation to those who may be impacted by their activities. The operating schedule should demonstrate an understanding of the level of risk of nuisance and include positive measures to manage any potential risks. 11.5
- Once the discretion of the Licensing Authority is engaged, it is only where additional and supplementary measures are appropriate to promote the licensing objectives that appropriate and proportionate conditions will be attached to a licence. 17.2

- **Risk**

We shall submit, that licensing is about proportionality. We are not able to eradicate every last possible risk. Nor would any other premises licence applicant/holder. However we do invite the committee to consider that this operation, with these additional conditions, with the more limited hours now requested, is fair and proportionate and in line with both other premises and critically unlikely to undermine the licensing objectives.

Conclusion

The authority's determination should be evidence based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what is intended to achieve.

Licensing we respectfully submit is all about proportionality and in developing the application as presented to the committee, the applicant has adopted a proportionate and reasonable approach. This approach will continue should the application be granted with ongoing risk assessment and review of the operations. There is only one question of significance here: is this application, by this applicant, at these premises, likely to undermine the licensing objectives?

We submit that it is perfectly reasonable to presume that this operation can conduct its activities and promote the licensing objectives at the same time and to good effect.

Matthew Phipps
Partner
Head of Licensing England and Wales
for TLT LLP