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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 26 October 2020

Notice of meeting

Licensing and Regulatory Sub Committee

Tuesday, 3rd November, 2020 at 10.00 am
Remote Microsoft Teams Meeting

AGENDA

Item No	Item	Pages
1.	Apologies for absence.	
2.	Declarations of Interest.	
3.	Application for a Premises Licence for 24 Frogmore Street, Abergavenny, Monmouthshire, NP7 5AH.	1 - 56

Paul Matthews
Chief Executive

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

B. Strong
J. Higginson
J.Treharne

Public Information

Access to paper copies of agendas and reports

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Watch this meeting online

This meeting can be viewed online either live or following the meeting by visiting www.monmouthshire.gov.uk or by visiting our Youtube page by searching MonmouthshireCC.

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Application for a Premises Licence for 24 Frogmore Street, Abergavenny, Monmouthshire, NP7 5AH
DIRECTORATE: Social Care and Health
MEETING: Licensing & Regulatory Sub-Committee
Date to be considered: 3rd November 2020
DIVISION/WARDS AFFECTED: Priory Ward, Abergavenny

1. PURPOSE:

To consider an application for a Premises Licence under the Licensing Act 2003 for 24 Frogmore Street, Abergavenny. Due to representations received against the licence application the Local Authority, are required to hold a hearing to consider the application. A copy of the application with plans provided by the applicant 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;

2.2 Members of the sub-committee may determine to:-

- To grant the licence with the condition specified in the application
- To grant the licence with the conditions the Council considers appropriate for the promotion of the licensing objectives
- To exclude from the scope of the licence any of the licensable activities to which the application relates
- To refuse to specify a person in the licence as premises supervisor
- To reject the application

3. KEY ISSUES

3.1 A new application for a premises licence under the Licensing Act 2003 was received from Mr Andreas Christou of Flat 1, 44 Frogmore Street, Abergavenny, NP7 5AN for 24 Frogmore Street, Abergavenny for the following:-

- Supply of Alcohol (On and Off sales) Monday to Saturday 12.00hrs – 02.00hrs and Sunday 12.00hrs – 21.00hrs
- Live Music – Sunday to Thursday 19.00hrs – 21.00hrs, Friday and Saturday 19.00hrs – 02.00hrs (Indoors)
- Recorded Music – Monday to Saturday 10.00hrs – 02.00hrs and Sunday 10.00hrs – 21:00hrs (Indoors)
- Hours Open to the Public - Monday to Saturday 09.00hrs – 02.00hrs and Sunday 18.00hrs – 21.00hrs

The opening hours on the application form did not correspond with the times requested for Alcohol, recorded and live music on Sundays. The applicant confirmed this was an error and requested opening hours from 10.00hrs – 21.00hrs on a Sunday.

3.2. The applicant has described the premises in his application as a cocktail bar for people 21 and over providing the sale of alcohol and snacks. However, more details of the premises usage was found at the premises with a canvas advertising cocktail and shisha bar coming soon. A picture of the advertisement is attached to the report as appendix B.

The premises previously traded as an underwear retail shop on Frogmore Street, Abergavenny. The premises is situated in between The Auberge nightclub and Tapas Twist a licensed restaurant. In front of the premises is a wide paved area and a carriageway with mixed parking use.

The applicant within their operating schedule has outlined their arrangement under the four licensing objectives.

General

No information

The prevention of Crime and Disorder

Security from 21.00hrs on Friday and Saturday
24 hour CCTV

Public Safety

Security from 21.00hrs on weekends

The prevention of public Nuisance

We will accept bookings only and have 21 and over only
We have a no nuisance policy

The protection of children from harm

No children will be allowed from 18:00hrs then it will be 21 and over only
We will be checking I.D. upon entry

- 3.3 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, Immigration. Plus the following departments of Monmouthshire County Council, Environmental Health section, Social Services, Planning, Licensing and Trading Standards departments. To assist applicants the Licensing Section also circulate a copy of the application and plan to the Responsible Authorities by email, and this was completed. A notice also has to be circulated in a local newspaper within the area of the premises by the applicant.

A public notice must also be displayed at the premises to enable businesses and residents to make a representation. This notice was inspected by Licensing who found the notice to be displaying an incorrect format with an incorrect applicant name. As such, the application was therefore rejected due to incorrect process of the public notice displayed at the premises. When the applicant corrected the notice the Licensing Section accepted the application and conducted a 28 day consultation period from the 13th August 2020 that ended on the 9th September 2020.

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.

- 3.4 The Planning department submitted the following in relation to the application:

The planning application for the change of use has only just been received by the Planning department. Until we have had a chance to determine this application we are unable to offer any comments.

Planning application number: DM/2020/00864

Section 9.45 of the revised guidance issued under section 182 of the Licensing Act 2003 states:

Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs. The planning department have asked the Licensing Section for comments and a copy of this report with the decision of the hearing will be provided to the Planning department.

3.5 Representations were received against the application from Heddlu Gwent Police requesting the applicant agree to accept alternative licence conditions. The applicant through mediation has agreed to accept the following conditions;

- The premises licence holder shall ensure images from the CCTV are retained for a period of 28 days. This image retention period may be reviewed as appropriate by the Licensing Authority and any other authorised person.
- The correct time and date will be generated onto both the recording and the real time image screen.
- 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.
- 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;
- There shall be clear signage indicating that CCTV equipment is in use and recording at the premises.
- The premises shall operate a Challenge 25 policy and signage will be displayed to indicate this is in operation. The age check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
- 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 month ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
- 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. This shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a month ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
- 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, at a minimum every 6 months. 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.
- During the times live music is played, staff shall ensure that all doors and windows will be kept closed to reduce any unnecessary nuisance to residents of the surrounding area.
- 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.
- As stated in the application, the need for door supervisors will be in place from 9pm on a Friday and Saturday and shall also be assessed by the licence holder on a regular basis and such personnel shall be employed when and where the

assessment requires. Where door supervisors are used, the premises licence holder shall ensure that the following details for each door supervisor are entered into a bound register kept for that purpose to include the following details:

Name

Date of birth

Address

Contact telephone numbers

SIA certificate number

The full details of any agency through which they have been allocated to work at the premises if appropriate

These details should be easily accessible to any authorised officer of the Licensing Authority or Police Constable.

Heddlu Gwent Police removed their representations after the applicant agreed to accept all of the conditions provided above.

3.6 The Licensing Section requested the following condition be added to the licence;

- The premises is to be a member of Pubwatch and a representative attends Pubwatch meetings and participates in all initiatives.

The applicant has agreed to accept the condition.

3.7 Representations received from Environmental Health as follows;

I refer to the attached Premises Licence application, which I understand was amended by the applicant on the 22nd August 2020 to a midnight closing time including for live and recorded music.

I can advise that I have visited the premises and note that there are a number of residential properties in very close proximity including:

- A flat at first floor level and a flat at second floor level, located directly above the premises subject to this application, each with a window overlooking the proposed rear annex / yard of the Cocktail Bar.
- Three flats above Tapas Twist, 23 Frogmore Street, two of which are at first floor level with windows / door opening to rear aspect. (Planning permission DM/2018/01803 approved 3/9/19).
- Flats at 21 and 22 Frogmore Street with windows opening to rear aspect.

I note that the premises on either side of 24 Frogmore Street has a Premises Licence. In particular I understand the Auberge under the conditions of its licence can have live / recorded music in the outside area of the premises until 2am Thursday – Saturday; and Tapas Twist opening hours and live / recorded music inside the premises until midnight.

However these existing licences do not preclude the need for this section to consider this application carefully and be satisfied that licensing objective ‘the prevention of public nuisance’ will be met.

In this regard I must advise that I am concerned that very little detail has been provided by the applicant to assure this section that the nearby residents will not be significantly impacted by noise from the premises if a licence is granted. In particular I am concerned regarding the potential for noise from:

- The transmission of noise from customer voices and especially music directly through the ceiling / floor to the first and second floor flats above. Some information has been provided regarding the ceiling treatment undertaken to mitigate against noise transfer but this is very limited in detail and no acoustic data has been provided to support it. Detail of sound insulation of the ceiling / floor between ground and first floor levels, including sound levels at source and at the residential receptor above is needed to satisfy this section that a grant of the licence requested will not give rise to excessive noise impact.

I understand that it is the intention of the applicant to lease the flats at first / second floor levels but clearly this may not happen or always be the case, with the potential for future occupiers to have no tied interest with the Cocktail Bar use.

- The potential for the live / recorded music indoors to impact on residents in the area through open windows / doors, particularly when customers access the proposed outside rear yard area. I understand the rear annex under construction is intended to be timber framed which may have a limited sound insulation value.
- The potential of noise from customers using the outside rear yard area. The applicant has advised me this afternoon that is prepared to close the use of this outside area at 11pm which will be positive from the noise impact perspective, but this has not been detailed in the application.

In view of these concerns, which in my view the applicant has not addressed in the information submitted, I must object to the grant of the licence under licensing objective 'the prevention of public nuisance'.

In my opinion the application should be supported by an assessment of the noise impact of the proposals, in particular the matters I have identified above, with regard to the nearby residential accommodation. The report should include, if appropriate, measures to be taken to mitigate excess noise impact. The information should be prepared by a person with appropriate acoustic qualifications and with regard to relevant guidance.

I look forward to the opportunity to comment further in due course if this information is provided.

3.8 Representations from 12 local residents objecting to the licence, are attached as Appendix C, all marked Objection 1 – 12. As there are numerous representations objecting to this licence. I have highlighted the main concerns as below:

- Noise pollution from music and customers late at night
- Concerns for local children
- Concerns for elderly residents
- Concerns over a potential rise in Anti-social Behaviour
- Concerns over transport to and from the venue late at night
- Tolerate noise from Auberge and Abergavenny Kebab house at weekends, concerned the premises will add to the disturbances.
- Comments and references to the use of Shisha (whilst not referenced in the application, advertised at the venue as stated in the report)
- Excessive hours for a small premises
- Lack of local Police Officers

A satellite view of the local area with the location of the objectors marked blue in comparison to the premises marked green are attached to this report as appendix D.

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.

- 3.10 When considering their decision members are asked to consider the licensing objectives guidance. Sections 2.1 – 2.21 of the Home Office revised guidance issued in April 2018 under section 182 of the Licensing Act 2003 are attached as appendix E.
- 3.11 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.

The Licensing Officer has written to residents informing them of the conditions accepted by the applicant following Police and Licensing comments. Residents have also received notification the applicant has volunteered to reduce his licence application hours for the premises to close at midnight. However, no representations have been withdrawn by local residents and the representations from the Environmental Health section are received therefore a hearing is required.

- 3.12 Upon receipt of the representation from the Environmental Health Officer the applicant sent the following email response to the Licensing Officer;

Hi yes I am aware I'm getting complaints from neighbouring businesses for my application aswell I'm willing to work with residents I will make a noise assessment just to be clear it is restaurant background music that will be playing no different to the tapas next door I will also be closing the outdoor area at 11pm so there will be no late external noise there will be no music outside and there will only be a capacity of 40 people allowed in the premises at any given time all 25 and over we are also renting all the flats above the premises and I will have a series of letters from residents and local business who want to see us open I will get them to email you I hope we can take in to consideration that 85k has been spent renovating and also we are paying 1500 pounds rent every month at the moment so I do stress whatever you guys need me to do even to open i.e. lower the time to 11pm inside aswell I do not care this is going to become financially unviable for me soon and I'm seeing several hurdles put in my way please let me know what will we need to do I have chosen next to a nightclub to open a bar as they already have noise and this should not add to it or be a problem I'm willing to work things out just give me the solid or what you need from me I am very flexible

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's Policy sets out its views on the prevention of Crime and disorder, Prevention of public nuisance and Public safety. The relevant sections 10 – 12.7 of the Policy issued 1st July 2020 are attached to this report as Appendix F.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

Heddlu Gwent Police, South Wales Fire Service, Home Office (Immigration) 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 2018.

Monmouthshire County Council's Statement of Licensing Policy dated 1st July 2020.

Live Music Act 2012

8. AUTHOR:

Leigh Beach
Licensing Officer

CONTACT DETAILS:

Tel: 01633 644224

Email: leighbeach@monmouthshire.gov.uk

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28 JUL 2020

PUBLIC PROTECTION
ABERGAVENTNY OFFICE



Monmouthshire Licensing Section, Abergavenny Community Education
Centre, Old Hereford Road, Abergavenny, NP7 6EL

Application for a premises licence to be granted
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

We Andreas Christou
(insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>24 Frogmore St. Abergavenny</u>	
Post town <u>Abergavenny</u>	Postcode <u>NP7 5AH</u>
Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate

Please tick as appropriate


- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i as a limited company/limited liability partnership please complete section (B)
- ii as a partnership (other than limited liability) please complete section (B)

- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev) <input type="checkbox"/>
Surname Christou		First name Andrew		
Date of birth or over				
Nationality				
Current address from previous address				
Post town				
Daytime number				
E-mail (optional)				
Where you work (please see note 15 for information)				

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
20	03	2020

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

We will be looking to do a cocktail bar
for people 21 and over
Sale of alcohol and snacks

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both = please tick (please read guidance note 3)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h			
Mon	7pm	9pm	<u>Please give further details here (please read guidance note 4)</u> this will happen mostly on special occasions.		
Tue	7pm	11pm			
Wed	7pm	9pm	<u>State any seasonal variations for the performance of live music (please read guidance note 5)</u>		
Thur	7pm	11pm			
Fri	7pm	2am	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Sat	7pm	2am			
Sun	7pm	9pm			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finis h		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10am	2am	Please give further details here (please read guidance note 4) We will be playing background music		
Tue	10am	2am			
Wed	10am	2am	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	10am	2am			
Fri	10am	2am	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	10am	2am			
Sun	10am	9pm			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption</u> – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
Day	Start	Finis h		Off the premises	<input type="checkbox"/>
Mon	12pm	2am	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5) Web it to scr	Both	<input checked="" type="checkbox"/>
Tue	12pm	2am			
Wed	12pm	2am			
Thur	12pm	2am			
Fri	12pm	2am			
Sat	12pm	2am			
Sun	12pm	11pm			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	9am	2pm	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
	6pm	2am	
Tue	9am	2pm	
	6pm	2am	
Wed	9am	2pm	
	6pm	2am	
Thur	9am	2pm	
	6pm	2am	
Fri	9am	2am	
Sat	9am	2am	
Sun	6pm	9pm	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

b) The prevention of crime and disorder

We will have Security from 9pm
on Friday Saturday
We will have 24 hour CCTV

c) Public safety

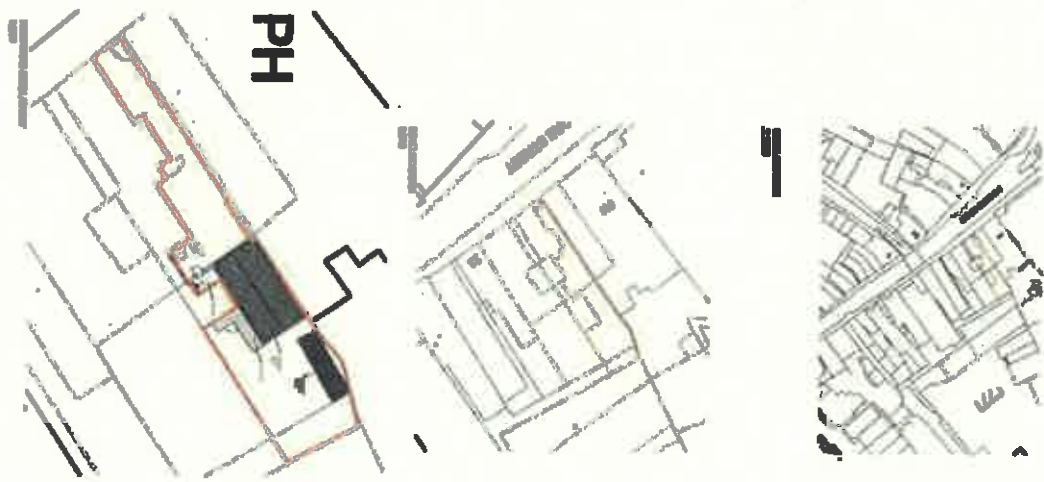
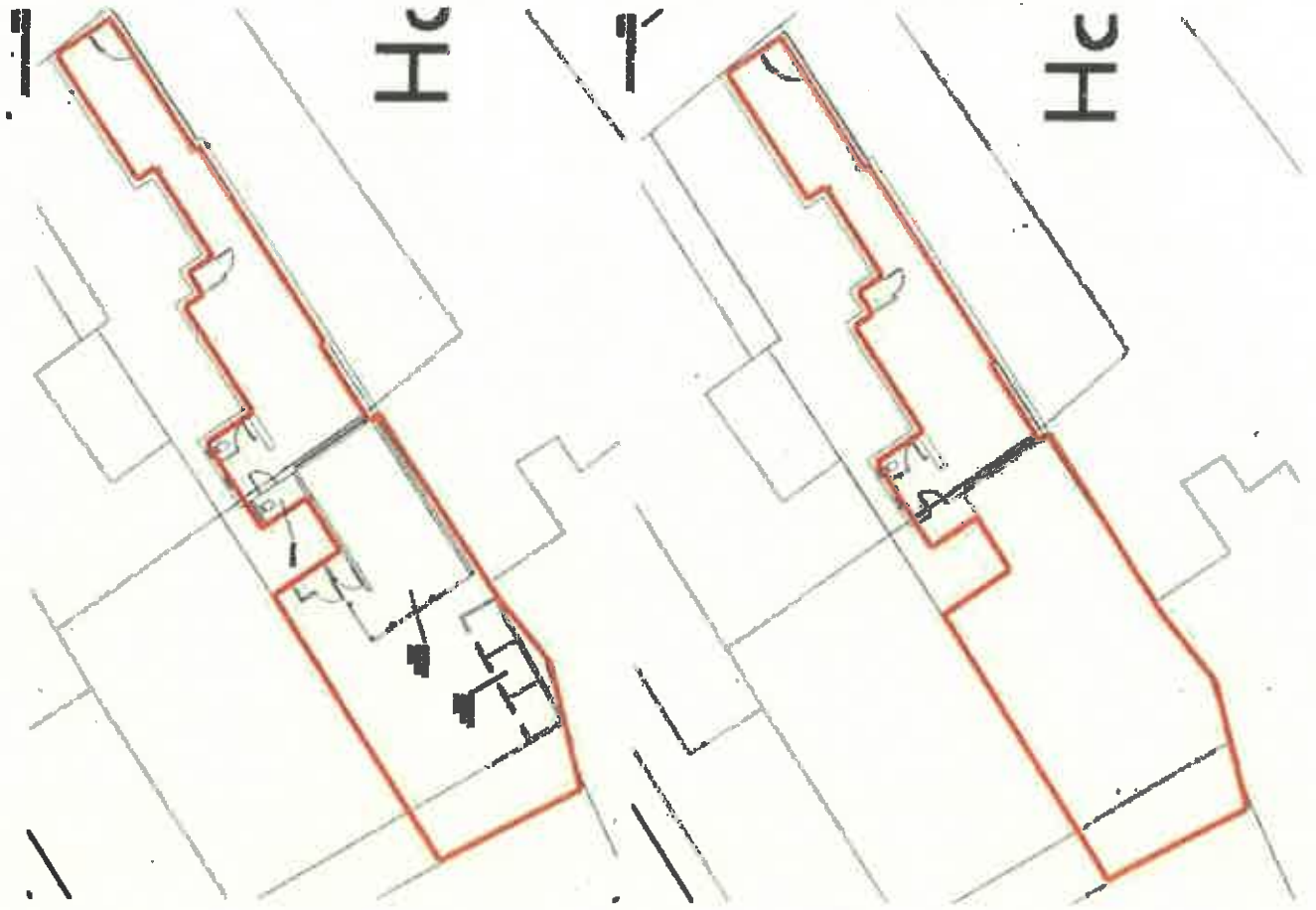
We will have Security from 9pm
on weekends

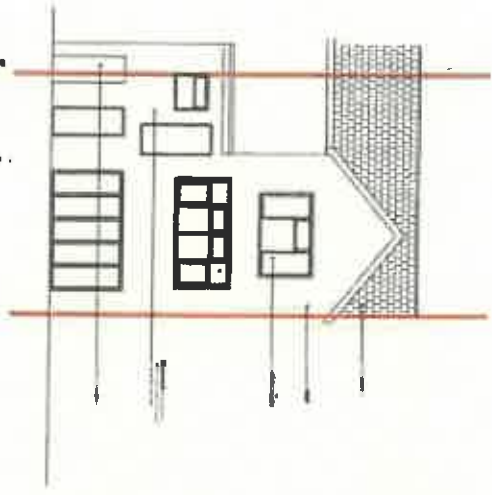
d) The prevention of public nuisance

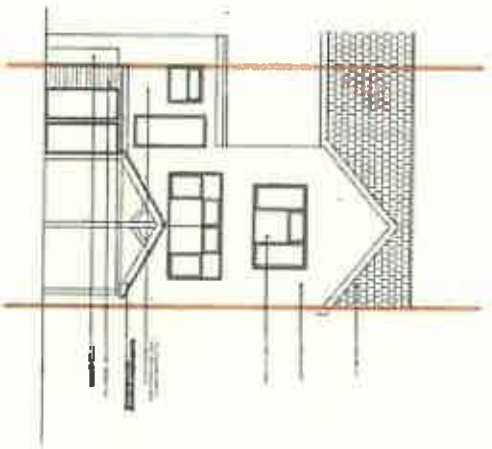
We will be booking only and have 21 and
over only
have a no nuisance policy

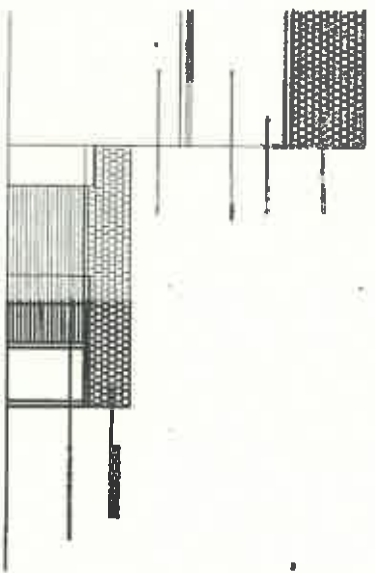
e) The protection of children from harm

NO children will be allowed from 6pm
its 21 and over we will be checking
ID on entry











Rockfield Architecture	
Project Name: _____	Client: _____
Project Address: _____	Project Number: _____
Project Date: _____	Project Status: _____
Scale: _____	
Drawing Title: _____	
Drawing Date: _____	

Appendix B



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Appendix C

**12 Representations from the Abergavenny area
marked Objection 1 – 12 as follows.**

Beach, Leigh

Objection 1

From: MCC - Licensing
Sent: 19 August 2020 11:46
To: MCC - Licensing Area A
Subject: FW: Licence Application ref 24 Frogmore St. Abergavenny, NP75AH

Mrs Samantha Winn
Licensing Officer/ Swyddog Trwyddedu
Tel / Ffon: 01633 644221
Mobile: 07880838305
Email / E bost: samanthawinn@monmouthshire.gov.uk
Website/ Gwefan: www.monmouthshire.gov.uk
Follow us on Twitter / Dilynwch ni ar Twitter: www.twitter.com/monmouthshirecc

APUS
APPY



Fy Sŵr Fynwy
My Monmouthshire



From: [REDACTED]
Sent: 19 August 2020 11:09
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Licence Application ref 24 Frogmore St. Abergavenny, NP75AH

Dear Licensing Section,

I am writing with regard to the above application, I have an interest as I am a resident of an adjacent street.

The application form is a little confusing with many sections crossed through but I think I understand correctly that the premises has applied to be open until 2am from Monday - Saturday and 9pm on a Sunday.

The proposed late hours for six days of the week seems unnecessarily excessive and will be unfair on the residents of Frogmore St, Baker St, Trinity Terrace, Princes St and many others who will have to suffer sleep disruption from the noise and other antics from people gathering outside and later when walking home in the early hours. A mix of residential and commercial use is considered a good model for healthy town centres and some disruption is acceptable but I suggest not to when it affects residents health and wellbeing and their ability to get up and work. It could also be considered that facilitating late night/ early morning drinking goes against Government Health Policies to make the British fitter and healthier.

I support this new venture especially in these times but I would be grateful if you could please take the above into consideration when determining this application.

Kind regards,

[REDACTED]
Baker Street,
ABERGAVENTNY,
Monmouthshire,
NP7 5BB

Objection 2

MONMOUTHSHIRE
COUNTY
COUNCIL

20 AUG 2020

PUBLIC PROCEEDINGS
ABERGAVENTNY OFFICE

████████████████████
████████████████████ FROGMORE STREET
ABERGAVENTNY

NP7 5AH

07570761926

18/08/2020

Sir/Madam

I write with reference to the planning application for a premises licence for 24 FROGMORE STREET NP7 5AH.

I wholeheartedly object to this application

I live at ██████ Frogmore Street. I have ██████ children.

████████ is ██████ and about to start further education.

████████ is ██████ and about to start his GCSE year

████████ is ██████. He is about to start Nursery school. ██████ ██████

████████ has just turned ██████

Granting a license which allows loud music and footfall on working / school nights will cause a huge amount of disruption to our lives. It's bad enough on the weekends when the bar 'The Auberge' which is #25 FROGMORE STREET is open until the early hours, with the noise from the music and customers shouting at

Closing time.

my [REDACTED] has Autism and is scared by loud noises. This will especially cause him distress and could hinder his development.

I would love to be able to move somewhere quieter but as a single parent who has had to give up work to care for a disabled child, there are no landlords willing to accept us. So if the application goes ahead we will be stuck.

I suffer myself with depression and anxiety which I am medicated for, and even just the thought of this being allowed is making my symptoms worse.

Please consider this letter as a formal OBJECTION to the application made by Andreas Christou in regards to 24 FROGMORE STREET NP7 5AH.

If anymore information is needed of I've not objected correctly, I can be contacted on [REDACTED]

Thank You
[REDACTED]
[REDACTED]

From: MCC - Licensing
Sent: 21 August 2020 11:49
To: MCC - Licensing Area A
Subject: FW: Gin, Cocktail and Shisha Bar, Frogmore Street, Abergavenny.. Application for the sale of alcohol for consumption on and off the premises plus recorded music until the 02.00 hrs.Monday to Saturday and 21.00 hrs. on Sunday

From: [REDACTED]
Sent: 21 August 2020 11:28
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Gin, Cocktail and Shisha Bar, Frogmore Street, Abergavenny.. Application for the sale of alcohol for consumption on and off the premises plus recorded music until the 02.00 hrs.Monday to Saturday and 21.00 hrs. on Sunday

Dear Sir/Madam,

With reference to a letter we've received from a concerned resident of Frogmore Street regarding the above Bar, we wish to register our objection to the application.

As residents of Baker Street which is a designated residential area, the noise coming from a bar until 02.00 Monday to Saturday would be horrendous, as well as the fact that by the time everyone left the premises and cleared the streets it would be close to 03.00 am before the noise stopped.

Some people leaving premises, such as The Auberge, pass through Baker Street and often we hear people shouting because of the influence of too much alcohol, and to have another bar in the same area would be intolerable.

Yours faithfully,

Beach, Leigh

From: .MCC - Licensing
Sent: 28 August 2020 08:05
To: MCC - Licensing Area A
Subject: FW: Gin, Cocktail and Shisha Bar, Frogmore Street, Abergavenny.. Application for the sale of alcohol for consumption on and off the premises plus recorded music until the 02.00 hrs.Monday to Saturday and 21.00 hrs. on Sunday

Categories: Blue Category

Mrs Samantha Winn
Licensing Officer/ Swyddog Trwyddedu
Tel / Ffon: 01633 644221
Mobile: 07880838305
Email / E bost: samanthawinn@monmouthshire.gov.uk
Website/ Gwefan: www.monmouthshire.gov.uk
Follow us on Twitter / Dilynwch ni ar Twitter: www.twitter.com/monmouthshirecc



**Fy Sir Fynwy
My Monmouthshire**



From: [REDACTED]
Sent: 27 August 2020 16:16
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Fwd: Gin, Cocktail and Shisha Bar, Frogmore Street, Abergavenny.. Application for the sale of alcohol for consumption on and off the premises plus recorded music until the 02.00 hrs.Monday to Saturday and 21.00 hrs. on Sunday

[Get Outlook for Android](#)

From: [REDACTED]
Sent: Wednesday, August 26, 2020 5:13:59 PM
To: Beach, Leigh <LeighBeach@monmouthshire.gov.uk>
Subject: Re: Gin, Cocktail and Shisha Bar, Frogmore Street, Abergavenny.. Application for the sale of alcohol for consumption on and off the premises plus recorded music until the 02.00 hrs.Monday to Saturday and 21.00 hrs. on Sunday

Dear Leigh,

Thank you for your update regarding the Gin, Cocktail and Shisha Bar.

We still wish to register our objection.

If the application would be for Monday and Thursday until 10.00 for both Alcohol and Music, and 11.00 for both Alcohol and Music on Friday and Saturday, we would not object.

From: MCC - Licensing
Sent: 21 August 2020 12:48
To: MCC - Licensing Area A
Subject: FW: Gin, Cocktail and SHISHA Bar - Frogmore Street

From: [REDACTED]
Sent: 21 August 2020 11:51
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Gin, Cocktail and SHISHA Bar - Frogmore Street

To whom it may concern

I have recently been made aware that this new bar proposes to be open until 02:00 every day except Sunday.

I wish to voice my concerns about this, as a resident of Frogmore Street, Abergavenny.

I live at [REDACTED] Frogmore Street and already the noise from Auberge is trying, mostly at the weekends, with large groups hanging around outside after closing, shouting, arguing, fighting, and then making their way to the kebab house a few doors down from me. This continues into the early hours and disturbs my sleep every weekend. But at least it is usually just the weekends. The thought of another bar which will be open until 02:00 every night except Sunday is wholly unacceptable to me. I will get no rest, no sleep, no peace. Especially if they are able to buy to take out, and be seated outside or having to go outside to smoke. This will have a huge impact on my quality of life as I will not be able to sleep through this noise. They will undoubtedly hang around late into the night, and make their way to the kebab house then hang around linger outside that establishment. I am disabled with chronic illnesses so it is of paramount importance that I get the rest I need - everyone deserves to be able to sleep undisturbed in their homes.

I have never raised an objection before so I'd be very grateful if you could advise me if I've taken the incorrect route.

My contact details:

[REDACTED]
[REDACTED] Frogmore Street
Abergavenny
NP7 5AN

[REDACTED]
Kindest regards
[REDACTED]

MONMOUTHSHIRE
COUNTY
COUNCIL

20 AUG 2020

Objection 5

19/08/20

PUBLIC PROTECTION
ABERGAVENNY

Licensing Section, Monmouthshire County Council, Abergavenny Community Centre, Old Hereford Road, Abergavenny NP7 6EL

Dear Sir/Madam

We are writing to you because we strongly object to the recent attention of the application made to open a **Gin Cocktail SHISHA Bar** in the nearby vicinity of **24 Frogmore Street Abergavenny NP7 5AH**.

We object strongly to the Premises Licence Application of **24 Frogmore Street Abergavenny Monmouthshire NP7 5AH**

We feel that the long opening hours of the opposed premises for bar drinks and music in whatever forms will lead directly to more anti-social behaviour on the streets locally; we do not want more people around in the early mornings displaying anti-social behaviour after 2.am every morning.

In additions we are very concerned against any form of music being played in this area till the early hours of every morning and Sundays till 9pm, as this area is a high residential area, with a mix of all ages; from families with young children and elderly people, many have to go to employment and with the noise level of this nearby premise disturbing the area around here! Definitely we feel that the noise level will be too high for this residential area.

How will you police these premises anyway? And also where will people park their cars and journey around at 2am closing times?

Just overall, more problems will arise around this whole area for residents and those others working in the local shops as well.

I wait to hear your reply on this serious matter and send a sae to speed up the reply.

Yours

From

[REDACTED]

[REDACTED] Baker Street Abergavenny Monmouthshire NP7 5BB)

**MONMOUTHSHIRE
COUNTY
COUNCIL**

- 7 SEP 2020

**PUBLIC PROTECTION
ABERGAVENNY OFFICE**

06/09/20

Licensing Section, Monmouthshire County Council, Abergavenny Community Centre, Old Hereford Road Abergavenny NP7 5EL

Dear Mr Leigh Beach

Thank you for your recent reply to my letter of 21 Baker Street Abergavenny NP7 5BB.

Our objections of the proposed application of 24 Frogmore Street Monmouthshire NP7 5AH for Gin Cocktail and Shisha Bar.

We gave you strong views of thoughts and with due consideration we feel that we have to strongly object to the application of the above premises.

In reply to your detailed letter, you inform us of strong CCTV presents, and police demands of proof of legality of the peoples to enter premises.

However we feel that this is only short term and is no future guarantee for our surrounding here for the long term.

As we pointed out previously there are less police around to patrol this area.

The other point is that Shisha bars encourage people to smoke illegally. Bad for people's health and wellbeing and also for environment as well.

There is no need for this bar in this area as there are some in this location anyway.

As for the music, is its not of any consolation to suggest that having doors and windows fully shut, as the decibal noise level seeps through the environment, and travels around, pulsating about in the area; and it is of great stress to think that this will resound almost every the early hours of the mornings!

We further object to the idea proposed to close the bar at an earlier time of 12.00 midnight this is far too late, encouraging loitering, and anti-social behaviour that will become more prevalent and worrying for all residents nearby.

These points have not been fully justified and we object strongly.

Regards

(Baker Street Abergavenny Monmouthshire NP7 5BB)

AUG 22nd 2020
MOUTHSHILL RADSTOCK CT
COUNTY COUNCIL ABERGAVENNY
24 AUG 2020

Objection 6

Dear PUBLIC PROTECTION
ABERGAVENNY OFFICE

I am writing to
place an objection to
the Licensing Application
by the SWISHA BAR for
them to remain open
until 2am.

This will cause
considerable noise in
the street from extra
vehicles/taxis to
just voices as customers
leave the premises.

My flat overlooks
the main street and I
already have to
contend with noise
& disruption on every

weekend from the
Auberge + late night
Kebab shops. I do not
even think there is
a need to have a
late night opening
throughout the week
as well from another
bar.

I live in sheltered
housing, and am 95 yrs
old and the nights
are already disrupted
with road sweeping
and bin emptying.

Yours Sincerely

Mrs [REDACTED]

Licensing Section,
MCC,
NP 7 6EL

MONMOUTHSHIRE
COUNTY
COUNCIL
24 AUG 2020

FLAT 2
FRIDGEMORE STREET,
ABERGAVENNY,
NP 7 5AG

Objection 7

PUBLIC PROTECTION
ABERGAVENNY OFFICE
19.08.2020

RE: APPLICATION FOR LICENSING
24, FRIDGEMORE STREET : ANDRZEJ CHAISSON.

Dear Madam/Sir,

I write to lodge my concern about the
above application.

Whilst I am completely supportive of any business
propositions for the town and, indeed, this too, I am
however worried about the late night noise levels
and risk of violence, which already plagues the
street on a reasonably regular basis from the
average pub and restaurant. The idea of this
establishment being open until 2am on six nights a
week is concerning me. Residents on the street are
accustomed to weekend late noise and business "hum",
but two am on week nights is pushing it a little!!
Could the later hours be limited to Fridays and
Saturdays?


W. II.

I AM ALSO CONCERNED ABOUT THE POTENTIAL FOR
VIOLENCE, ESPECIALLY WITH THE POLICE STATEMENT ENOUGH
AS IT IS.

I MUST ADD THAT I WILL PROBABLY VISIT THIS AREA
AND WISH IT WELL ... BUT COULD THE HOUR BE
ADJUSTED? US RESIDENTS DO HAVE TO SLEEP AT SOME
POINT!!

THANK YOU FOR YOUR ATTENTION TO THIS COMMUNICATION.
I APOLOGIZE THAT MY PRINTER IS BROKEN, HENCE THE
FOUNTAIN PEN!

Yours faithfully,


(FROM HOME; ABOVE THE AIR AMBULANCE STOP...
Very Noisy!!).

We know that any many people living with the properties in Frogmore St. We also have to already evidence, noise & disturbances; border of local Pubs & pubish & more wine, sick etc. a few not enough to be taken. Premium licensing has been granted to other Premium.

Yours



MONMOUTHSHIRE COUNTY COUNCIL

- 1 SEP 2020

PUBLIC PROTECTION ABERGAVENNY OFFICE

Frogmore St
Abergavenny
NP4 5AA
27.8.20

To Licensing Section Monmouthshire County Council.

As a residents of Frogmore St we strongly object to the application made by Andrew Christian 214 Frogmore St for:-

The Sale of alcohol for consumption on & off the premises.

12.00 hrs - 02.00 hrs Monday - Saturday
12.00 hrs - 21.00 hrs Monday
Recorded music &

10.00 hrs - 02.00 hrs Monday - Saturday
10.00 hrs - 21.00 hrs Sunday.

I think strong consideration should be given to the residents.

Objection 8

Objection 9

MONMOUTHSHIRE
COUNTY
COUNCIL

- 1 SEP 2020

Radstock Court
ABERGAVENTNY
NP7 5BQ

The Licensing Section
Monmouthshire County Council
Abergavenny Community Education Centre
Old Hereford Road
ABERGAVENTNY
NP7 6EL

PUBLIC PROTECTION
ABERGAVENTNY OFFICE

Re: Licence Application for 24 Frogmore Street Abergavenny NP7 5AH

Dear Sirs,

I wish to make objection to the granting of a licence for the above premises.

There are already several premises at this end of Frogmore Street offering facilities for the general public to consume alcohol and snacks both on and off the premises. Recently a full restaurant in a nearby premises has failed.

The premises next to those the subject of this application already offer similar facilities to those intended by this applicant.

The opening hours are excessive for a small establishment and take no consideration of the fact that several of the neighbouring properties are residential, some occupied by elderly people.

The application appears to make no reference to the requirements of the Covid-19 restrictions.

- There is no indication of measures to enable staff and customers to maintain the requisite social distancing with regard to serving and seating areas.
- There is no indication of a suitable one-way movement system with regard to entrance and exit.
- There is no indication of a system to regulate the number of persons present at any one time.

Yours sincerely

Objection 10

MONMOUTHSHIRE
COUNTY
COUNCIL

- 1 SEP 2020

PUBLIC PROTECTION
ABERGAVENNY OFFICE

Baker Street
Abergavenny
MSK
NP7 5BB

26th August 2020.

Premises Licence Application: 24 Regmore Street.
Abergavenny. NP7.5AH.

We/I object very strongly to the above application by
Andreas Criston.

We/I object to the idea of Recorded Music on the premises
from 10:00 - 02:00 Monday to Saturday
and 10:00 - 21:00 Sunday.

We/I also object to the sale of Alcohol for the above hours.

Alcohol is more addictive and dangerous than nicotine
and to give a licence to allow this seems very
against current medical opinion.

The idea of alcohol and music until 2:00 ^{a.m.} every night
except Sunday is horrifying. We have enough disturbance
from party drunken hooligans leaving the pub on
two nights a week let alone having the prospect of
six nights for the proposed venue.
We are two pensioners living very close by and dread

the thought of more disruption.

We value the idea of Aberystwyth opening up to
lots of ~~shops~~ ~~shops~~ cafes and restaurants but
please not late at night and involving alcohol.
sales and consumption.

Concerned local residents

~~John Blayden~~

~~Robert Jones~~

Beach, Leigh

From: MCC - Licensing
Sent: 17 September 2020 14:11
To: MCC - Licensing Area A
Subject: FW: Objections - 24 Frogmore Street, Abergavenny, Monmouthshire, NP75AH

Mrs Samantha Winn
Licensing Officer/ Swyddog Trwyddedu
Tel / Ffon: 01633 644221
Mobile: 07880838305
Email / E bost: samanthawinn@monmouthshire.gov.uk
Website/ Gwefan: www.monmouthshire.gov.uk
Follow us on Twitter / Dilynwch ni ar Twitter: www.twitter.com/monmouthshirecc

APUS
APPY



Fy Sir Fynwy
My Monmouthshire



From: [REDACTED]
Sent: 17 September 2020 14:02
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Objections - 24 Frogmore Street, Abergavenny, Monmouthshire, NP75AH

For the attention of Mr Leigh Beach

Dear Mr Beach,

Thank you for your letter re. the above premises.

Despite the reduction in hours both my partner and I object very strongly to the above application for all the reasons stated in my last letter. We also worry about groups from the proposed venue clashing with the often very drunk young people leaving The Auberge late at night.

Yours sincerely

[REDACTED]
Robert Mills

Baker Street
Abergavenny
NP75BB

Beach, Leigh

Objection 11

From: [REDACTED]
Sent: 01 September 2020 14:16
To: Beach, Leigh
Subject: Proposed Premises License 24 Frogmore Street

Hi Leigh,

Hope your safe and well. I've had a meeting today with my landlord, [REDACTED] My BDM has given me an update regarding the premises licence applied for next door. He explained they are now looking at opening until 12am 7 days a week. At this point could I object as the [REDACTED], business owner and resident in the flat [REDACTED]

My main objection to this application involves Friday and Saturday nights. As you know the Auberge is one of the busiest venues in Abergavenny especially on a weekend. As you know the circuit runs from the Kings Head, Kings Arms, Portico Lounge, Whetherspoons down to ourselves. This means from 11pm until 12:30am we have around 300 people heading down Frogmore Street to gain entry to the Auberge. As you can imagine this results in us having to queue people out the front, to enable us to carry out our proof of age checks and drugs searches etc. Even before the current pandemic the queue would stretch up past 24 Frogmore Street where the application is for and further up the street. With a premises open [REDACTED] this is going to cause major problems regarding queuing, resulting in potential disorder as people try to enter and leave 24 Frogmore Street. If people are moved away from the entrance to 24 Frogmore Street this will result in people potentially queuing in the road risking the publics saftey from taxis pulling up and other cars on the road potentially hitting them. As we come out of this pandemic in the future social distancing will have to take place meaning an even longer queue than before. Again with a premises open [REDACTED] this would be impossible. You may suggest moving the queue to the other side. This is not as easy as it seems, people naturally queue as they head down the road. To try and move people and get them to queue the other side would result in disorder occuring as its hard enough at the moment to control a queue let alone trying to move a large queue to the other side of the building, people would end up in the road potetially being hit by a car.

I hope you take take these points into consideration as I truly believe, having traded in the town for years having a premise open until 12am [REDACTED] will cause an increase in disorder and risk to public saftey. If a license were to be granted by yourselves, I feel 11pm would be the latest, safest time to open until, espacially on a Friday and Saturday night to prevent disorder and any risk to public saftey.

Thanks
[REDACTED]

Beach, Leigh

Objection 12

From: MCC - Licensing
Sent: 08 September 2020 09:50
To: MCC - Licensing Area A
Subject: FW: Licensing Application - 24 Frogmore Street Abergavenny NP7 5AH
Categories: Orange Category

Mrs Samantha Winn
Licensing Officer/ Swyddog Trwyddedu
Tel / Ffon: 01633 644221
Mobile: 07880838305
Email / E bost: samanthawinn@monmouthshire.gov.uk
Website/ Gwefan: www.monmouthshire.gov.uk
Follow us on Twitter / Dilynwch ni ar Twitter: www.twitter.com/monmouthshirecc

APUS
APPY



Fy Sir Fynwy
My Monmouthshire



From: [REDACTED]
Sent: 08 September 2020 09:10
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Licensing Application - 24 Frogmore Street Abergavenny NP7 5AH

To whom it may concern,

I wish to raise objection to the Licencing Application for a Gin, Cocktail and Shisha Bar at the above address. As a resident of Frogmore Street, living approx. 50 yards from the aforementioned premises, I wholly object to the selling of alcohol playing of music until 2am every night! The street is already very lively due to other licenced premises in the area, however, with the exception of weekends, these premises close at a reasonable time. The very nature of the business, and it being open until the early hours of the morning, will only serve to attract the younger members of our society and will inevitably increase the noise levels and cause severe disruption to myself and the lives of other residents of Frogmore Street. Just because I choose to live in Frogmore Street, it does not mean that I have to be subjected to noise and disruption from local businesses.

Yours Sincerely,

[REDACTED]

[REDACTED] Frogmore Street.

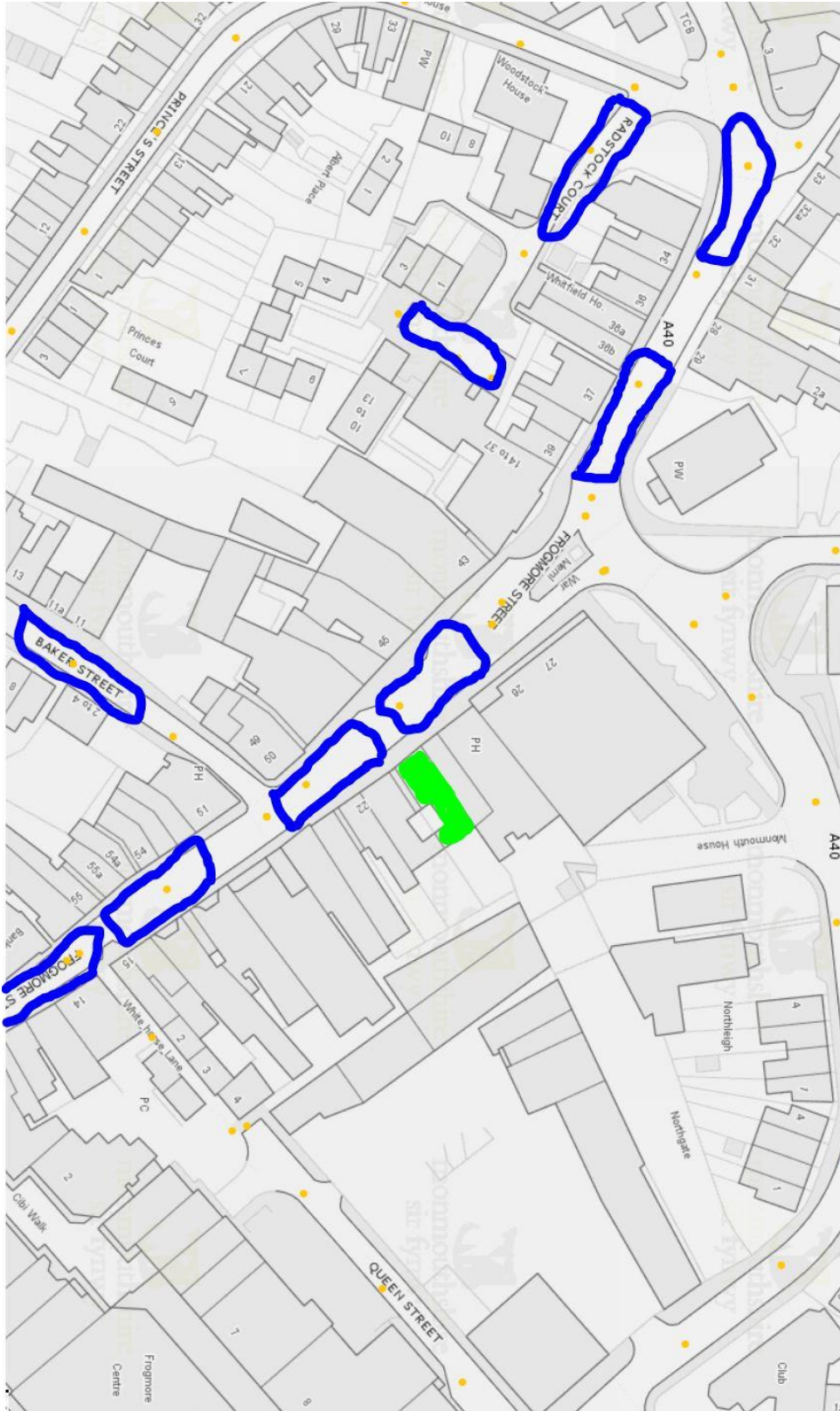
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Appendix D

24 Frogmore Street, Abergavenny = Marked in green

General area of the residents who have made representations = Marked in blue



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2. The licensing objectives

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the

early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix F

10. Prevention of crime and disorder

- 10.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 10.2 The Licensing Authority will expect operating schedules (see section 27) to satisfactorily address these issues from the design of the premises through to the day-to-day operation of the business. Details of the factors that will need to be considered as part of the operating schedules are given in the Licensing Policies and matters for consideration when deciding applications, which are attached in the annex to this policy and in the Guidance notes for applicants.
- 10.3 Applicants are recommended to seek advice from the Licensing Authority's licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies, when preparing their plans and operating schedules.
- 10.4 The Licensee/applicant should also use their own experience and knowledge of their customers and locations when drafting their operating schedule, which subsequently becomes the basis of conditions on the licence. Failure to do this may lead to a representation from the Authority, a responsible authority or other person. Applicants may wish to consider the following and are advised to refer to the Authority's 'Model Pool of Conditions' when considering an application.
- Is there CCTV, and, if so what are the areas covered, does it have the ability to see clear full face recording of patrons entering, does it record the patron search area at the entrance. What is the retention period of recordings, how easy it to access, produce copies or download images if requested by Police and Licensing.
 - Are Security Industry Authority (SIA) door staff employed and what checks are made to the validity of the SIA licence? What records are kept of SIA checks, search policy, entrance policy, restriction of patrons using outside areas, such as smoking areas, employment times of SIA and their training?
 - Is there ID scanning on entry to the premises? Will there be 'No ID No Entry' policy in place?
 - Is there a clear drug and weapon policy? Is there a regular documented training of this policy carried out with staff when drugs/weapons are seized or stored. Are areas or surfaces designed to prevent the likelihood of drug use at the premises?

- Has the use of plastic or toughened glass for serving of alcohol been considered, will glass bottles be handed over the bar? Are there restrictions of drinks being taken outside?
- Is there a proof of age scheme, do the premises have a challenge 25 policy? Are staff trained regularly on this policy and is it documented?

10.5 The Licensing Authority recognise that although Gwent Police and other criminal justice services suffer the greatest resource burden from preventable alcohol related crime and disorder the health system is also impacted. Preventable alcohol-related attendances and admissions have a negative impact on limited NHS resources, staff and other patients. Physical injury and the psychological impacts from violent incidents directly affect the health and wellbeing of individuals, their family, friends and work colleagues, our public service staff and licensed premise staff who deal with these incidents, and the local community. Responsible Authorities will work together, sharing all available local data, and will use NHS sources of data to promote this licensing objective.

10.6 The Authority will endeavour to reduce crime and disorder throughout the County in accordance with its statutory duty under s.17 of the Crime and Disorder Act 1998.

10.7 Monmouthshire County Council, through agencies working together and sharing information aim to identify and prevent sexual exploitation, modern slavery and human trafficking. Licence holders can help as they may become aware or come into contact with such victims. This may be in hotels, bars and restaurants, late night takeaways, off licences or other licensed premises. Licence holders, and staff employed in licensed premises, are in an ideal position to help protect people.

Modern slavery and human trafficking is a crime and a violation of fundamental human rights and can take various forms such as slavery, servitude and compulsory labour. The licence holder and staff who work in licensed premises should look for and ask themselves the following;

- Has the person got any physical signs of abuse or neglect? Deprived of food, water, sleep, medical care or other life necessities?
- You see worrying behaviour towards someone.
- Is the victim in possession of a passport, identification or travel documents? Are these documents in possession of someone else?
- Does the victim act as if they were instructed or coached by someone else? Do they allow others to speak when spoken directly?

- Was the victim recruited for one purpose and forced to engage in some other job? Was their transport paid for by facilitators, whom they must pay back through providing services?
- Does the victim receive little or no payment for their work? Is someone else in control of their earnings?
- Was the victim forced to perform sexual acts?
- Does the victim have freedom of movement? Can they freely contact friends and family? Do they have limited social interaction?
- Has the victim or family been threatened with harm if the victim attempts to escape?
- Is the victim bonded by debt, or in a situation of dependence?

If there are concerns the licence holder are to report the matter to Modern Day Slavery helpline on 08000 121 700 or visit the website <https://www.modernslaveryhelpline.org/report> or can report to Licensing on 01873 735420 or e-mail licensing@monmouthshire.gov.uk. If someone is in immediate danger to call the Police on 999.

In addition, all staff who are employed in the UK must have the right to work in the UK. Employing someone illegally without carrying out the prescribed checks can lead to robust sanctions against the licence holder.

11. Prevention of public nuisance

- 11.1 Licensed premises have significant potential to impact adversely on persons living and working (including those carrying on business) in the area around the premises, and also further afield through public nuisances that arise from their operation. It is therefore important that in considering the promotion of this licensing objective, Licensing Authorities and Responsible Authorities focus on the effect of the licensable activities at the specific premises on these parties which may be disproportionate and unreasonable
- 11.2 The definition of what may be considered as a potential or actual ‘public nuisance’ is to be interpreted in line with its broad common law meaning established through relevant case law. This is the interpretation which the Licensing Authority will apply when considering such matters. Matters giving rise to ‘public nuisance’ are mainly accepted to include issues relating to noise, light pollution, odour and litter. It may also arise as a result of the adverse effects of dust, insects, accumulations or any other matter which is determined to have an adverse impact on the living and working environment of other persons living and working in the area of the licenced premises.

- 11.3 The Licensing Authority recognise that limiting the public nuisance that may be associated with licensed premises and their operation is an important factor for health and well-being.

The Licensing Authority recognise the key links to health and well-being from public nuisance in terms of disturbed sleep, stress caused by nuisance and pollution. Disturbed sleep and stress can add to residents' mental and physical health issues, and their wider wellbeing. Lack of sleep can have an impact on the immune system and can contribute to heart disease and diabetes. Lack of sleep can also contribute to anxiety and depression. Stress can contribute to anxiety and depression, and cardio-vascular diseases.

Applicants should consider the potential impact their premise may have on public nuisance particularly from noise and put in place mitigating measures.

- 11.4 The Licensing Authority expects applicants for premises licences and club premises certificates to have made relevant enquiries and considerations about the local area before submitting their application. The purpose of this is to enable the applicant to consider the most appropriate controls for potential inclusion in the operating schedule with a view to ensuring their activities do not undermine the licensing objective with regard to the prevention of public nuisance. It is important to recognise that the impacts of licensed activity are not contained within a building. Inevitably there is a wider impact as people travel to and from the premises or congregate outside whilst it is in operation. Nuisance is best managed by careful consideration of the suitability of the selected site and any necessary mitigation at an early stage.

- 11.5 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.

- 11.6 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.

- 11.7 The Licensing Authority recognises that beyond the immediate area surrounding the licensed 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. However, applicants are encouraged to consider the actions they may take as a responsible licence-holder to mitigate the potential adverse impact of patrons. The operating schedule should again be used to demonstrate an understanding of the potential risks and the positive measures that may be implemented to manage such issues.
- 11.8 Applicants are encouraged to engage with the Licensing Authority and other relevant Responsible Authorities (such as Environmental Health) at an early stage and prior to the submission of an application, wherever reasonably practicable. These Authorities will be able to provide advice in respect of appropriate control measures that may be put in place, and included in the operating schedule, to mitigate the potential risks of public nuisance occurring.
- 11.9 **The Well-being of Future Generations (Wales) Act 2015, Noise & Soundscape Management.**
- The Well-being of Future Generations (Wales) Act 2015 (hereinafter referred to as the WFG Act 2015) places a duty on Local Authorities including the Licensing Authority to embody sustainable development principles aimed at achieving seven prescribed well-being goals as part of its fundamental operation; this includes the delivery of its Licensing function. One of the cornerstone areas of consideration is the management of noise and its impact on health and well-being.
- 11.10 The Statutory Licensing guidance issued under Section 182 of the Licensing Act 2003 does not currently provide any reference to how operationally Licensing Authorities are to have regard to the requirements of the WFG Act 2015 specifically as it may relate to the promotion of the Licensing Objective, the Prevention of Public Nuisance. It is clear however in the Welsh Government's 'Noise and Soundscape Action Plan 2018-2023' that there is recognition of the impact of noise. The Licensing Authority will have regard to this action plan when determining applications (please refer to section 17 Integrating strategies below).

12. Public safety

- 12.1 The Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants will be expected to demonstrate in their Operating Schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and

events. Applicants are advised to seek advice from various organisations, such as the Monmouthshire health and safety enforcement officers, South Wales Fire and Rescue Service etc., before preparing their plans and schedules, particularly where regulated entertainment is to be provided.

12.2 The Regulatory Reform (Fire Safety) Order 2005 introduced a requirement that any person responsible for the management of a premises must make a suitable and sufficient assessment of the risks, to which persons may be exposed for the purpose of identifying the general fire precautions, which need to be taken. Therefore no conditions may be imposed on an authorisation where it directly relates to fire safety. It is expected therefore that authorisation holders will conduct a thorough risk assessment which is regularly reviewed and updated. The risk assessment should be retained at the premises and be available upon request by any authorised officer of the Council.

12.3 Where an applicant identifies an issue with regard to public safety, which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety.

Depending on the individual style and characteristics of the premises and/or events, the following issues may be relevant:

- The number of people attending the premises/safe capacity levels, (factors may include access and egress, flow around premises, comfort levels, seating provisions, dance areas, accessibility to bars, etc);
- The age, condition, design and layout of the premises, including the means of escape in case of an emergency;
- The nature of the activities to be provided, in particular the sale or supply of alcohol and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- The hours of operation, differentiating between the hours of opening from the hours when the licensable activities will be provided;
- Customer profile (e.g. age, disability etc.);
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
- Electrics and heating as part of the risk assessment.

12.4 The following examples of control measures are considered to be important and should be taken into account by applicants in their Operating Schedule, having regard to the particular type of premises and/or activities -

- Suitable and sufficient risk assessments;
- Effective and responsible management of premises;

- Provision of a sufficient number of people employed or engaged to secure the safety of everyone attending the premises or event;
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of everyone attending the premises;
- Adoption of best practice guidance (Assistance can be obtained by contacting such Environmental Health, Fire Safety and HSE).
- Provision of effective CCTV in and around premises;
- Implementation of crowd management measures;
- Regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.
- Appropriate First Aid facilities and staff training on when to administer/ not administer First Aid.

12.5 The authority recommends that specialists, e.g. qualified safety officer, should be consulted to assist with an assessment of public safety issues, (excluding fire safety as such a risk assessment is a mandatory requirement).

12.6 Heddlu Gwent Police promotes the use of polycarbonate drinking vessels to reduce injuries caused either deliberately or accidentally from glass drinking vessels. The Council supports this initiative and would advise any applicant or authorisation holder that toughened glass often lose their tempering through repeated use, and should consider the introduction of solely polycarbonate or plastic drinking vessels. Where premises are associated with crime and disorder, the Council may also advocate that open glass bottles for consumption on the premises should not be permitted and that contents are decanted before serving to customers, the purpose being to reduce any incidents where bottles may be used as weapons.

12.7 The Licensing Authority recognise that there are links between public safety and health, for example injuries suffered in licensed premises that need medical treatment. Falls are a contributor to alcohol related hospital attendances and admissions.

Considering and noting issues relating to public safety in responses to a licensing application can be an effective way of addressing these issues through conditions being placed on a licence, or, in more extreme cases a licence not being granted. The Health Board, as a Responsible Authority, may be able to provide evidence of prevalence, costs and impacts of public safety issues as appropriate.

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