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County Hall
Rhadyr
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NP15 1GA

Thursday, 5 November 2020

Notice of meeting

Licensing and Regulatory Sub Committee

Friday, 13th 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 variation to the Premises Licence - The Kings Head Hotel (Including Regency 59 & The Coach House), 59 - 60 Cross Street, Abergavenny, Monmouthshire, NP7 5EU.	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 variation to the Premises Licence, The Kings Head Hotel (Including Regency 59 & The Coach House), 59 - 60 Cross Street, Abergavenny, Monmouthshire, NP7 5EU
DIRECTORATE: Social Care and Health
MEETING: Licensing & Regulatory Sub-Committee
Date to be considered: 13 th November 2020
DIVISION/WARDS AFFECTED: Priory Ward, Abergavenny

1. PURPOSE:

To consider an application for a Variation to the Premises Licence under the Licensing Act 2003 for The Kings Head Hotel, Cross 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 application to vary the current licence with the conditions specified in the application.
 - To grant the application to vary the current licence and modify any conditions the Council considers appropriate for the promotion of the licensing objectives.
 - To reject the whole or part of the application for variation to the current licence.

3. KEY ISSUES

- 3.1 A Variation application for a premises licence under the Licensing Act 2003 was received from Monmouthshire Limited on the 21st September 2020 for The Kings Head Hotel (Including Regency 59 & The Coach House), 59 - 60 Cross Street, Abergavenny for the following:-
- To extend the licensed area to include a new beer garden space at the rear of the property. Hours of beer garden use to be 10am to 11pm from the last week of March to the last week of October when the clocks change. During the winter for the rest of the year, the hours of use in the beer garden, will be 10am to 10pm. A plan showing the proposed beer garden with a red line is attached to the application in Appendix A.
 - To provide background music in the beer garden area.
 - To remove conditions 14, 15, 16, 17 and 23 from the current premises licence.
- 3.2 A copy of the current licence has been attached to this report as Appendix B. The applicant has requested removal of the following conditions;

14.(a) All druggel, matting and other floor coverings shall be secured and maintained so that they will not be likely to ruck or to be in any way a source of danger.

15. Signs are displayed warning of the dangers of drink driving.

Conditions of Premises; Heating, Ventilations; Lavatories.

16. All parts of the premises and fittings therein, including the seating, door fastenings and notices, shall be maintained at all times in good order and condition.

17.(a) The public parts of the premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Council.

(b) Every heating appliance used in the premises, which is so situated as to be within reach by any member of the public shall be fitted with guards to comply to standards of construction and fitting, required by the Heating Appliances (Fire Guard) Regulations 1953 or any amendment thereto in the case of heating appliances of a type which are so designed that they are suitable for use in residential premises.

(c) Without the consent of the Council in writing no portable heaters shall be used on the premises.

(d) Every heating appliance situated in part of the premises to which the public are admitted shall be fixed in position.

23. No music is permitted in the beer garden.

- 3.3 The premises has mixed use and is currently trading as a Hotel with Restaurant and bar areas, to the side of the bar is a courtyard and to the rear a barn area known as "the coach house".

The premises is located on Cross Street in the town centre, nearby is the Town Hall, Borough Theatre, cafes and a bank. To the rear of the premises is a car park, Kongs Chinese Restaurant and a number of residential properties. Usually Cross Street is an open road, however the road is now pedestrianised due to the coronavirus. Currently the road is closed from 10am to 4pm daily to allow businesses, including The Kings Head Hotel, to trade outside on the pavement and use a section of the carriageway.

- 3.4 The applicant within their operating schedule has outlined their arrangement under the four licensing objectives, and suggested the following conditions be attached to the new licence if granted;

- **General**
All Staff will be suitably trained in maintaining the new area (beer garden). The area will be cleared at 11pm or 10pm as above.
- **The Prevention of Crime and Disorder**
The new area (beer garden) will be sufficiently lit and any person behaving disruptively or suspiciously will be removed. A senior member of staff will be on site to implement.
- **Public Safety**
There will be constant monitoring and adequate staff levels to ensure public safety at all times. Members of the public who are inebriated will not be given access to any licensable areas.
- **The Prevention of Public Nuisance**
Background music will be kept to a level that will not cause customers to raise voices. Quantity of people on site will be kept to a reasonable level. Any person causing incidents will be removed.
- **The Protection of Children from Harm**
Staff are all trained on 'protect' policy. Children will not be alone on the premises.

3.5 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 and departments of Monmouthshire County Council. The Council sections are the 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 has also been circulated in a 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 displayed correctly.

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

3.6 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 CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.
- The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. 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 Premises 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 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.

- 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.
- 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.
- 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.

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

3.7 The Trading Standards section of Monmouthshire County Council requested the following condition be added to the licence;

- 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 recording details of the incident that has taken place. The DPS must counter sign this incident book every 4 weeks and it shall be made available for inspection by any Responsible Authority under the Licensing Act 2003.
- 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.

The applicant has agreed to accept the conditions.

3.8 The following comments were received from Environmental Health;

I can advise that I do have reservations regarding the proposed 11pm finish during British summertime hours. This is because there are a number of dwellings within fairly close proximity, with the potential for raised voices of customers and music to be audible during late evening hours, which the nearby residents may consider disturbing.

However, there is also the potential for effective management of the beer garden area to minimise any noise impact. I do not therefore object to this application.

3.9 There were no representations or no response from the following Responsible Authorities;

- South Wales Fire Service
- The Local Health Board
- Social Services
- Planning
- Licensing

3.10 Representations from two local residents objecting to the licence, are attached as Appendix C. I have highlighted the main concerns as below:

- Noise pollution from music allegedly audible from the barn of the Kings Head Hotel previously.
- Possible anti-social behaviour from customers in the car park as experienced previously from The Malthouse, that is now trading as Kongs Chinese Restaurant.
- Request for earlier music cut off time.
- Request no music is audible at the car park.
- Request for no rear access to car park from beer garden and a wall be erected to prevent customers entering the car park.

3.11 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.

3.12 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 D.

3.13 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 views of the applicant, explaining the applicant feels there will be no disturbance to local residents as applied for.

However, no representations have been withdrawn by local residents therefore a hearing is required.

3.14 Upon receipt of the representation from the local residents the applicant made a telephone call to the Licensing Officer to state the following;

In the view of the applicant, the background music will not cause disturbance to local residents. As an experienced licence holder who has managed licensed premises in the Abergavenny area for a number of years, he will ensure the beer garden area is managed effectively.

The applicant stated they have not had live music events in the barn at the rear of the property. This has been the position since November 2015 onwards, whilst he has been DPS, and his **Page 5** local residents may be hearing live bands performing in the Borough Theatre nearby, during the evenings.

3.15 Background music is not considered a regulated entertainment under the Licensing Act 2003. Background music is considered low level music played at a volume that does not cause a person to shout to be heard. The Live Music Act 2012 allows any licensed premises to have a performance of live music on the boundary of the licensed premises, including a beer garden, if performed to less than 200 people without the need for a licence. This entitlement may be removed subject to review against a premises licence if the licensing objectives are being undermined.

4. REASONS:

4.1 The determination of a Variation application is to be considered in accordance with Section 35 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 E.

5. RESOURCE IMPLICATIONS:

Nil

6. CONSULTEES:

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

7. BACKGROUND PAPERS:

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003 dated April 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

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

Application to vary a premises licence 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.

I/We Monmouthshire Limited
(insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PRM116
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Kings Head Hotel 59-60 Cross Street Abergavenny			
Post town	Abergavenny	Postcode	NP7 5EU
Telephone number at premises (if any)	01873 853575		
Non-domestic rateable value of premises	£ [REDACTED]		

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect? DD MM YYYY

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Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

To extend the area in which all licensable activity takes place to include an outdoor area at the rear of the premises which has been added to the lease agreement.

Also to remove conditions 14, 15, 16 and 17 from existing licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3)

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)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8).			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details (please read guidance note 5)</u>	
Day	Start	Finis h		
Mon			<u>State any seasonal variations for indoor sporting events (please read guidance note 6)</u>	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u> Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	
Mon			
Tue			
Wed			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>
Sat			
Sun			

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)</u>		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music (please read guidance note 6)</u>		
Wed					
Thur					
			<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 7)</u>		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finis h	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue					
			<u>State any seasonal variations for the playing of recorded music (please read guidance note 6)</u>		
Wed					
Thur					
			<u>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 7)</u>		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon.			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue			State any seasonal variations for the performance of dance (please read guidance note 6)		
Wed			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g). Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			<u>Please give further details here (please read guidance note 5)</u>	
Wed				
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)</u>	
Fri				
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)</u>	
Sun				

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finis h		Both	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue					
Wed					
Thur			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

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 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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 7).

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

All staff will be suitably trained in maintaining the new area. The area will be cleared at 11pm.

b) The prevention of crime and disorder

The area will be sufficiently lit and any person behaving disruptively or suspiciously will be removed. Senior staff member will be on site.

c) Public safety

There will be constant monitoring and adequate staff levels to ensure public safety at all times. Members of the public who are inebriated will not be given access.

d) The prevention of public nuisance

Quantity of people on site will be kept to a reasonable level. Any person causing incidents will be removed. Adequate staffing to monitor.

e) The protection of children from harm

All staff are trained on 'proof of age' policy. Children will not be alone on premises. Adequate staffing levels to monitor.

Checklist:



Part A Format of premises licence

Premises licence number

PRM116

Part A1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
King's Head Hotel (Including Regency 59 & The Coach House) 59 - 60 Cross Street Abergavenny			
Post town	Monmouthshire	Post code	NP7 5EU
Telephone number			

Where the licence is time limited the dates

Issue Date: 06/11/2006

Licensable activities authorised by the licence

Live Music; Recorded Music; Late Night Refreshment; Supply of Alcohol, as indicated edged red on the plan attached to this licence.

The times the licence authorises the carrying out of licensable activities

Live Music in the Coach House and in the Bar of the King's Head*

Monday: 19.00 - 24.00

Tuesday: 19.00 - 24.00

Wednesday: 19.00 - 24.00

Thursday: 19.00 - 24.00

Friday: 19.00 - 24.00

Saturday: 19.00 - 24.00

Sunday: 19.00 - 23.00

*A licence is not required for live music within the on-licence premises providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 500 persons.

Recorded Music in the Coach House and in the Bar of the King's Head**

Monday: 19.00 - 24.00

Tuesday: 19.00 - 24.00

Wednesday: 19.00 - 24.00

Thursday: 19.00 - 24.00

Friday: 19.00 - 24.00

Saturday: 19.00 - 24.00

Sunday: 19.00 - 23.00

**A licence is not required for live music within the on-licence premises providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 500 persons.

Late Night Refreshment
Monday:23.00 - 24.00
Tuesday:23.00 - 24.00
Wednesday:23.00 - 24.00
Thursday:23.00 - 24.00
Friday:23.00 - 24.00
Saturday:23.00 - 24.00
Sunday:23.00 - 24.00

Supply of Alcohol
Monday:10.00 - 24.00
Tuesday:10.00 - 24.00
Wednesday:10.00 - 24.00
Thursday:10.00 - 24.00
Friday:10.00 - 01.00
Saturday:10.00 - 01.00
Sunday:10.00 - 24.00

New Year's Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on New Year's Eve)
Persons residing in the licensed premises may purchase and consume intoxicating liquor for 24 hours on the premises. The resident may also introduce a guest, but all intoxicating liquor supplied to the guest must be purchased by the resident.

The opening hours of the premises

Opening Hours
Monday:08.00 - 00.30
Tuesday:08.00 - 00.30
Wednesday:08.00 - 00.30
Thursday:08.00 - 00.30
Friday:08.00 - 01.30
Saturday:08.00 - 01.30
Sunday:08.00 - 00.30

New Year's Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol-On the premises
Alcohol-Off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Monmouthshire Limited
King's Head Hotel (Including Regency 59 & The Coach House)
59 - 60 Cross Street
Abergavenny
Monmouthshire
NP7 5EU

Registered number of holder, for example company number, charity number (where applicable):

--

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Memraj Neupane

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Annex 1 – Mandatory conditions

Mandatory Conditions – Supply of Alcohol

1 No supply of alcohol may be made under the premises licence:

- i) at a time when there is no designated premises supervisor in respect of the premises licence; or
- ii) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Conditions – Security Activity

3 Where at specified times one or more individuals may be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority. For the purposes of this section:

- i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and
- ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory Conditions – Exhibition of a Film

4 The admission of children to the exhibition of any film must be restricted in accordance with any recommendation made by the British Board of Film Classification (BBFC) or in the absence of a recommendation from the BBFC, the Licensing Authority.

For the purposes of this section:

- i) "children" means persons aged under 18 years of age.

Mandatory Conditions – Supply of Alcohol for Consumption On The Premises

5 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or .

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);.

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or

glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner; .

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

6. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

7. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

8. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;.

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory conditions - The ban of the sale of alcohol below the cost of duty plus VAT

9. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) In this condition:-

(a) "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where-

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

General - All Objectives

- 1.The entertainment shall in any event be of a healthy and moral character and in keeping with the day.
- 2.All Staff will be suitably trained under the Licensing Act 2003.
- 3.CCTV is installed and working to the satisfaction of the Police and Licensing Authority. If the CCTV equipment fails, the Police and Licensing Authority will be informed as soon as possible and immediate steps will be taken to put the equipment back into action. A notice will be displayed at the entrance to the premises advising that CCTV is in operation.
- 4.No person is permitted to use the beer garden after 23.00hrs.

Prevention of Crime and Disorder

- 5.The Licensee shall in all things conduct the premises in a decent, sober and orderly manner, and take whatever steps are necessary to ensure that there is no profanity, impropriety of language, dress, dance or gesture which is in any way offensive to public feelings or is likely to cause a breach of the peace.
- 6.Customers will not be permitted to take open containers of alcohol or soft drinks from the premises, except when the Abergavenny Food Festival takes place when this will be permitted between 09.00 and 19.00hrs in the seating area provided by the applicant in Cross Street, Abergavenny.
- 7.The premises has a 'proof of age' policy and all staff will be suitably trained on this policy.
- 8.The premises is a member of Pubwatch and a representative attends Pubwatch meetings and participate in all initiatives.
- 9.No person is permitted entrance to the premises after 23.00hrs unless they are a resident.
- 10.Notices are displayed at the premises regarding drug awareness and alcohol abuse.

Public Safety

- 11.Duly authorised officers of the Council, Police Constables and duly authorised officers of the South Wales Fire and Rescue Service shall at all reasonable times have free ingress to the licensed premises and the Licensee or the person in charge in the absence of the Licensee shall comply with any reasonable safety measure that may be required of him by any duly authorised officer of the

Council.

12. Lighting, Electrical Fittings etc.

(a) All electrical fittings, wiring and appliances shall be constructed and maintained in a safe and satisfactory condition and to the satisfaction of the Council and whensoever required to do so by the Council the licensee shall submit to the Council a certificate given by a qualified Electrical Engineer that the electrical installations have been examined and tested and are in a safe working condition.

(b) All electric lamp holders within reach of the public shall be kept fitted with lamps or otherwise protected.

(c) The Licensee shall ensure that socket outlets for use with temporary or portable Electrical Equipment on or in the vicinity of any stage area, and any circuits associated with spotlights or other stage equipment, shall be protected by one or more "Residual Current Devices" as necessary, having an adequate load current, rating and a 30 mA Tripping current.

13. Fire, Etc.

(a) Storage of necessary combustible materials shall be in such positions as may be approved by the Council.

(b) Except with the permission of the Council in writing, and in accordance with any conditions attached to such permissions, scenery or stage properties shall not be kept or used on the platform or in any other part of the premises.

(c) Except with the consent of the Council in writing and subject to any conditions, which may be attached to such permission, explosives or highly inflammable substances shall not be brought in or used on the premises.

(d) Toy balloons filled with inflammable gas shall not be used, sold or exhibited on the premises.

(e) Limelight acetylene gas installations or steel cylinders for the storage of compressed air, oxygen, hydrogen or other liquid gas under pressure shall not be used except with the permission of the Council.

(f) The Licensee and the staff of attendants shall take due precautions for the prevention of accidents.

(g) Any outbreak of fire, however small, shall be reported immediately to the Fire Brigade.

(h) All areas of the premises so designated by the Council, shall comply with Class O and Class I, as contained in the Building Regulations.

Other Safety Matters

14. (a) All drugget, matting and other floor coverings shall be secured and maintained so that they will not be likely to ruck or to be in any way a source of danger.

15. Signs are displayed warning of the dangers of drink driving.

Conditions of Premises; Heating, Ventilations; Lavatories.

16.All parts of the premises and fittings therein, including the seating, door fastenings and notices, shall be maintained at all times in good order and condition.

17.(a)The public parts of the premises shall be kept properly and sufficiently ventilated and heated to the satisfaction of the Council.

(b)Every heating appliance used in the premises, which is so situated as to be within reach by any member of the public shall be fitted with guards to comply to standards of construction and fitting, required by the Heating Appliances (Fire Guard) Regulations 1953 or any amendment thereto in the case of heating appliances of a type which are so designed that they are suitable for use in residential premises.

(c)Without the consent of the Council in writing no portable heaters shall be used on the premises.

(d)Every heating appliance situated in part of the premises to which the public are admitted shall be fixed in position.

18.The several lavatories, W.C.'s and urinals in the licensed premises shall at all times be kept in good order and repair, and be properly and effectually cleansed, ventilated, disinfected and supplied with water, and the doors leading thereto shall be suitably marked. The Licensee shall provide and maintain in a suitable position such number of sanitary conveniences for use of persons frequenting the premises, as the Council consider reasonable.

Control of Premises

19.The Licensee or some responsible person nominated by him in writing, not being a person under eighteen years of age, shall be in charge of and present in the premises at all times when the public are on the premises and there shall also be during that time a sufficient staff of attendants in the building for the purpose of securing safety.

Prevention of Public Nuisance

Noise

20.(a)Where music is played in any part of the licensed premises then during any period of one hour the equivalent continuous sound level (L.E.Q.) shall not exceed 85dBs.

(b)The noise emitted from the premises shall not at any time exceed the existing background noise level by more than 4dBs and must not give rise to a nuisance to residents of the area.

21.Prominent, clear and legible notices are displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

22.All bottles, glasses and litter are removed from public areas as soon as they are finished with or empty.

23.No music is permitted in the beer garden.

Protection of Children

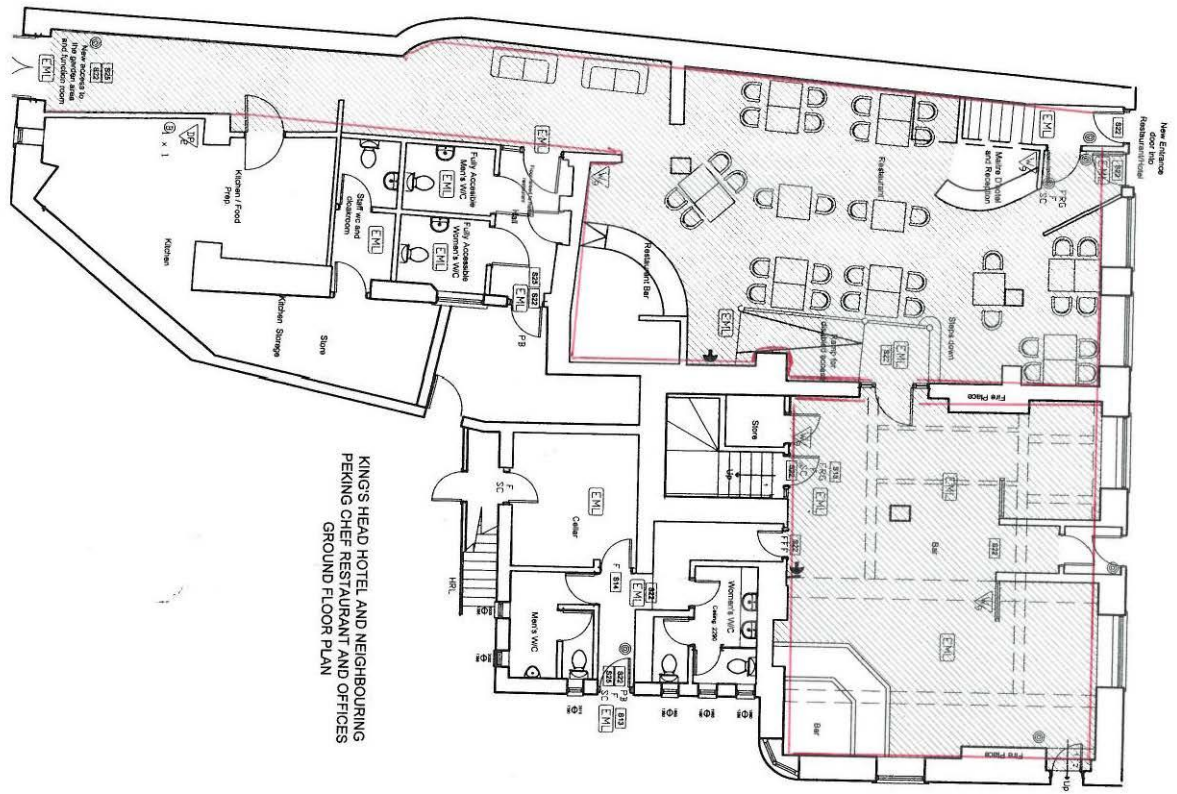
24.The premises has a 'proof of age' policy and all staff will be trained on this policy.

25.No entertainment of an adult nature is permitted at the premises.

26.Children are permitted in the restaurant area only and must be accompanied by an adult.

Annex 3 – Conditions attached after a hearing by the licensing authority

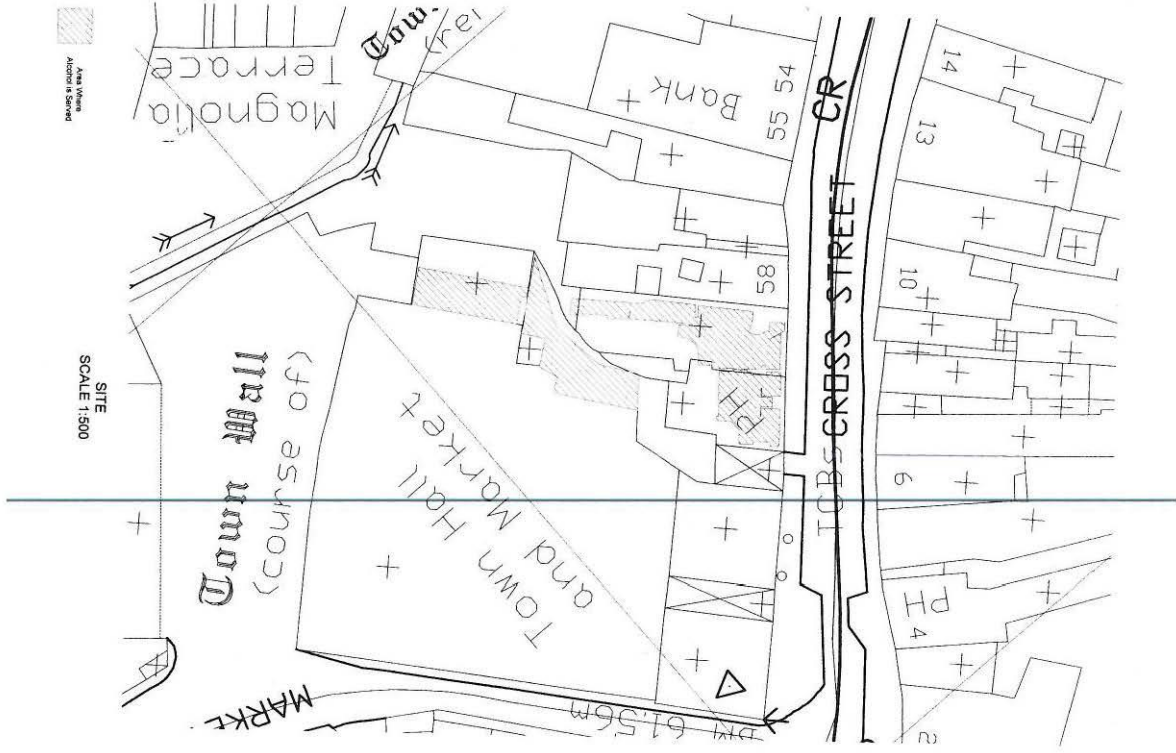
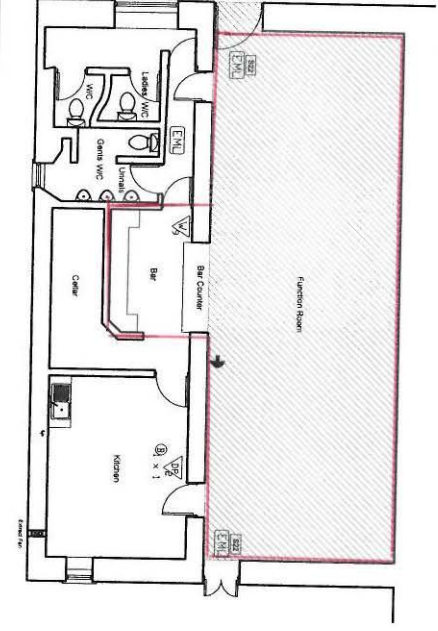
Not Applicable



NOTE: ALL SYMBOLS ARE INDICATIVE AND NOT TO SCALE.

EM1	1p65 built-in emergency light
BS2	'FIRE ACTION' General instruction in the case of fire, signage to be confirmed by fire strategy schedule
BS3	'FIRE DOOR, KEEP SHUT' Information signage
BS4	'FIRE DOOR, KEEP LOCKED' Information signage
BS22	'FIRE EXIT' Photoluminescent exit signs to BS 5499 part 1:1990 and BS 5378, incorporating a pictogram
BS23	'PUSH BAR OPEN' Photoluminescent signage to BS 5499 part 1:1990 and BS 5378, incorporating a pictogram
BS24	Break glass fire alarm call point
W	Water type fire extinguisher 9 litres capacity
DP	Dry powder type fire extinguisher 2kg
① x 1	Fire blanket 1m square
FRG (30)	Fire resistant glazing, lower than I1 above FI to BS 476 Part 22 & BS 6806 class C
SC	Self Closing Device
→	Fire Alarm sounders:
PB	Fire precautions Pushbar Ironmongery
F	Fire precautions Fire resisting
GRL	Fire precautions Guarding handrail
HRL	Fire precautions Handrail

KINGS HEAD HOTEL
FUNCTION ROOM
SCALE 1:100



**MONMOUTHSHIRE LICENSING SECTION, THE DRAMA CENTRE, PEN-Y-POUND,
ABERGAVENNY NP7 5UD.**

**Part B
Premises licence summary**

Premises licence number

PRM116

Part A1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description King's Head Hotel (Including Regency 59 & The Coach House) 59 - 60 Cross Street Abergavenny	
Post town Monmouthshire	Post code NP7 5EU
Telephone number 01873 853575	
Where the licence is time limited the dates Issue Date: 06/11/2006	
Licensable activities authorised by the licence Live Music; Recorded Music; Late Night Refreshment; Supply of Alcohol, as indicated edged red on the plan attached to this licence.	
The times the licence authorises the carrying out of licensable activities Live Music in the Coach House and in the Bar of the King's Head* Monday-Saturday: 19.00 - 24.00, Sunday: 19.00 - 23.00 *A licence is not required for live music within the on-licence premises providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 500 persons. Recorded Music in the Coach House and in the Bar of the King's Head** Monday-Saturday: 19.00 - 24.00, Sunday: 19.00 - 23.00 **A licence is not required for live music within the on-licence premises providing it takes place between 08.00hrs-23.00hrs and the audience do not exceed 500 persons. Late Night Refreshment Monday-Sunday: 23.00 - 24.00 Supply of Alcohol Monday-Thursday: 10.00 - 24.00, Friday-Saturday: 10.00 - 01.00, Sunday: 10.00 - 24.00 New Year's Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day (or, if there are no permitted hours in the premises on that day, midnight on New Year's Eve) Persons residing in the licensed premises may purchase and consume intoxicating liquor for 24 hours on the premises. The resident may also introduce a guest, but all intoxicating liquor supplied to the guest must be purchased by the resident.	
The opening hours of the premises Monday-Thursday: 08.00 - 00.30, Friday-Saturday: 08.00 - 01.30, Sunday: 08.00 - 00.30 New Year's Eve: Between the end of the permitted hours in the premises on New Year's Eve and the beginning of the permitted hours in the premises on the following day.	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies: Alcohol-On the premises, Alcohol-Off the premises	
Name, (registered) address of holder of premises licence Monmouthshire Limited, King's Head Hotel (Including Regency 59 & The Coach House) 59 - 60 Cross Street, Abergavenny, NP7 5EU	
Registered number of holder, for example company number, charity number (where applicable): 9835068	
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol: Mr Memraj Neupane	
State whether access to the premises by children is restricted or prohibited: Children are permitted in the restaurant area only and must be accompanied by an adult.	

Beach, Leigh

From: MCC - Licensing
Sent: 12 October 2020 10:03
To: MCC - Licensing Area A
Subject: FW: Kings Head Abergavenny

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



From: [REDACTED]
Sent: 11 October 2020 10:51
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>; Thomas, Tudor <TudorThomas@monmouthshire.gov.uk>
Subject: Kings Head Abergavenny

Dear Sir/ Madam,

I have seen a notice that the King's Head have applied for a music licence.

I am one of those living in the Brewery Yard car park behind them. There are quite a few of us living behind them. There are also flats at the entrance to the car park and there are people living in Monk Street who are also subjected to the noise. When they have had music in the barn previously it can be very loud and can go on for some time.

May I suggest that if granted their licence there are conditions attached to this.

1. That the music has a set time limit. (most of us are pensioners and are in bed by 10.30.)
2. Ensure the music cannot be heard in the car park.

I hope you will consider these points when granting them a licence.

Yours Sincerely

[REDACTED]
Magnolia Terrace
Abergavenny.

Beach, Leigh

From: MCC - Licensing
Sent: 16 October 2020 07:59
To: MCC - Licensing Area A
Subject: FW: Kings Head Abergavenny re licence

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



From: [REDACTED]
Sent: 15 October 2020 15:58
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Kings Head Abergavenny re licence

● Magnolia Terrace
Abergavenny
NP7 5NH

Many of us were living here and can remember everything we went through with the Malthouse some years ago and do not want to experience that again. We witnessed all the licence rules being broken, they were supposed to clear the lawn at 10.30 but they never did. The music lasted for hours. Sometimes we couldn't sit outside because of the noise, broken glasses all around our gardens and in the carpark, drunken youngsters peeing on the cars. Several fights and people drug taking.

We do not wish to experience this again. At the minute all that is protecting us is a removable metal fence. Please could you ask them to build a wall to prevent entry to the car park.

I hope you will take some notice of our concerns.

Yours Sincerely

Beach, Leigh

From: MCC - Licensing
Sent: 13 October 2020 08:29
To: MCC - Licensing Area A
Subject: FW: Kings Head Hotel Licence

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: 12 October 2020 18:57
To: MCC - Licensing <Licensing@monmouthshire.gov.uk>
Subject: Kings Head Hotel Licence

Dear Sir / Madam

I note that the King`s Head Hotel Abergavenny have applied for a music licence at a new extended outdoor area at the rear of their property.
We live at Magnolia Terrace on Brewery Yard Car Park which is very close to this new area. There are six properties making up Magnolia Terrace consisting of young families, pensioners and shift workers.
There are also flats leading onto the car park that may also be subjected to any noise. When music events have been held previously in the barn part of the hotel it can be very loud and can go until quite late.
The barn at the hotel leads onto Brewery Yard and again is close to Magnolia Terrace. May I suggest that if granted their licence for the outdoor area that there are conditions attached to it that ensures that the music volume is at an acceptable level, ends at a reasonable time and does not impinge on the quality of life for residents of Magnolia Terrace and beyond.

Yours Truly

[REDACTED]
Magnolia Terrace
Abergavenny
NP7 5NH

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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.

6 | Revised Guidance issued under section 82 of the Licensing Act 2003

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 (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 (8.388.46), 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:

Revised Guidance issued under section 182 of the Licensing Act 2003 17

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 Actⁱ, 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

ⁱ S 177 of the 2003 Act now only appli" to performances of dance.

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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

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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 antisocial 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 E

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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